NOTES

MYSORE GOVERNMENT SECRETARIAT

File No. AFD 25 SDL 57

Department of Agri & Forest

Section Forest

Subject: Note on Sandalwood
Requisitioning Sandalwood in Private Lands.

References:

14) Acquisition of Sandalwood in private lands
AFD 25 SDL 57.

Date	To whom sent	Notes and instructions
	14	12
	F	
	16/5/57 21/4/59	A 11/4/04

ಅಂಚೆಚೀಟಿ ಕಿ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಅರಣ್ಯ, ಪರಿಸರ ಮತ್ತು ಜೀವಿ
ಶಾಸ್ತ್ರ ಇಲಾಖೆ (ಅರಣ್ಯ-ಬಿ)

C. F. 74]

ROUTINE NOTE.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

AFD file no.
AFD 25 SDL 57.

1) The correction below relates to removal of Sandal wood in the Sandur Estate.
~~AFF~~ May be returned to AFF
21/1/60.

5/1
B. R. VERMA,
Under Secy., G.A.D. (O & M).

AFF
5/1/61 for Perusal
17/1

AD
13/1

B
27/1/61

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Mysore Government Secretariat

AFD File No. 25 SDL of 1957

MYSORE GOVERNMENT SECRETARIAT
AFD 3687
5 MAY 1957
ANIMAL HUSBANDARY & FOREST BRANCH

App. F. III 2

3

Serial No.

Extract of Chief Secy's note

1) "The chief conservator of forests should prepare a complete note on the procurement etc of Sandalwood which is required by the Chief Secy to Govt.

2) A typed copy of the note on Sandalwood received from the CCF is put up. This may kindly be subd to the Minister for Agriculture for kind perusal as a copy is being given separately to the chief Secy.

3) This case be kept pending till on 25th 25th Conservator comes.

15/5/57

4) Secy (AH&V) 15/5

R. J. REBELLO
Secy. A. & F. Depts.

OFFICE OF THE MINISTER FOR AGRICULTURE
No. 1777
16 MAY 1957

1689 | HFA

(Min Agri)

5) ~~Since~~ There is smuggling of Sandal wood. It is necessary to prohibit the private parties to extract and transport the Sandalwood since this helps to smuggle the Sandal wood in the Govt lands. Therefore there is a necessity to to prohibit the private trade by

NOTE.—Contn. sheet

No.

prohibiting the private persons to carry on trade in Sandalwood by passing a suitable legislation. A meeting may be arranged to with the Law Secretary and other concerned persons to take further steps in this direction during this month.

1777

HM 28/6.

6) Speak. Have we not called for remarks from CC & Forests? 27/6

7) The main object is to prohibit private extraction, transport & sale of Sandalwood to avoid smuggling. In the first place we have to ascertain the correct private rights in Sandal in different areas & examine with reference to Rules in force in each area whether Govt can regulate extraction & transport when permits. Without these cut facts & copies of rules etc in each region, a meeting with Govt be useful & can serve also cannot give any definite view or opinion. Govt approval to write to Collector for the respective Divisional Commrs or forest Dept respective Collectors or DCs. Re the former Govt CC & is not exhaustive.

3944 HFA

Sd/ HHH 28/6

8) Pl. obtain the rules in force in different areas including Bellary & Sandur very urgently. Together with any Govt's orders subject

2/7

Serial No.

9) Subd with a dft for appl

PM 4/7

10) Done immediately 4/7

Issued on 5-7-57

11) Pages 13 to 76 C7 indicating the present position regarding Sandalwood rights in various integrated parts of the Mysore State are for kind perusal with refce to para 8 ante. The CCF has also furnished his views regarding acquisition of Sandalwood trees in private lands (P 23 CF)

12) In view of the information furnished by the CCF, it is for orders whether the Divisional Commissioners may be requested to expedite the information called for in Govt letter No AFD 25 SDL 57

PM 31/7

13) Yes. DS

14) Noted. Shd be requested to expedite the reply to reminder 6 7/8

Ep. Pl 28.8.57

15) Subd with a dft reminder for appl

PM 17/8

16) Done 19/8 DS

Issued on 21-8-57

Sm 22/8

Ep. Pl (7.8.57)

Note.—Contn. Sheet

4 6

AFD File No. 25 SDL of 195 7

Mysore Government Secretariat

Serial No.

17) Page 79 C7 is for perusal with refce to paras 12 to 16 ref.

PM 26/8

18) If necessary information is available, such orders should be arranged. Please check up. Put up on Monday next

28/8

(9) Recd instructions from DS to put up reminder to Divl Commissioners.

PM 3/9

20) Pages 81 to 90 C7 are for perusal with refce to para 12 supra.

The Divisional Commissioner, Mysore Division has forwarded notes on Sandalwood rights, extraction and transport etc.

21) Reports are due from the Divisional Commissioners of Bangalore, Belgaum and Gulberga Divisions. They will be reminded as per orders at para 19 ref.

Dft D.O. reminders are put up for appl.

PM 4/9

22) 4/9

188 recd on 5-9-57

Sus PM 26/9

23) Please peruse the reports of Divisional Comrs, Bangalore, and Belgaum re rules governing the disposal, movement etc of Sandalwood at pages 95 to 117 C7

Serial No.

P 81 C7

24) The collector, South Kanara has not furnished the information further Divisional Comr of Gulbarga Division has also not replied so far

25) Dft D.O. reminders to the Divl Commissioners of Mysore and Gulbarga Divs are put up for appl.

PN
29/10

S.V. Pillai

25) dm 31/7 OK

26) Pages 131 to 156 C7 are for perusal. The C7 including all the Divisional Commissioners have furnished information in regard to Sandal rights in various integrated parts of the Mysore State.

P 13, 81, 93, 119, 131 & 135 C7

27) As per orders of the Minister for Agriculture in para 5 np, meeting may be called for and the date may be indicated. For orders

PN
28/11

27) Need back from the Supdt with instructions to put up a note on Sandal in respect of each integrating areas

PN 29/11

28) A brief note on Sandalwood is put up. Ref para 27 np.

PN
24/11

U-S.

U
3/2

Note.—Contn. Sheet

Agriculture and Forest Department FAH Section.

29) The C.C.F. in his letter dated 26-7-1957 explaining the provisions of Law as applicable to sandalwood in the various areas now constituting the State of Mysore, suggested, with a view to preventing illicit traffic in sandalwood, the following two courses:- 8/13/c

(a) Acquisition of all private sandalwood trees by Government on payment of bonus to the owners on per tree basis under special rules providing that:-

(i) the right of exploiting and working all sandalwood trees in the State would vest in Government and this would include all "Malki" trees in occupied lands and inams as well;

(ii) all Malki sandalwood trees, as soon as mature, to be exploited by the Forest Department which will pay the owner at a fixed uniform rate as determined by Government for each Malki tree selected and extracted by the Forest Department;

(iii) transport of the purchased material to be removed by the purchaser should be controlled and regulated under special rules;

(iv) storage of sandalwood by private agency should be strictly controlled by providing for a storage license to be obtained from the Forest Department and making it obligatory for the store to maintain correct accounts of the sandalwood received in it and disposed of, all entries being supported by passes or issue vouchers. Such accounts to be open for examination by Forest Officers at fixed intervals.

(b) Introduction of legislation to make it obligatory for the occupants of land to offer the trees to the Forest Department, which should be the only agency for their working, the occupants of the land receiving back the sale proceeds of the resultant material less the working cost and a certain percentage as supervision and other overhead charges.

30) The C.C.F. has also indicated the rates at which the bonus should be paid to the owners. 8/22/c

31) The C.C.F. however feels that the second course will however be labourious, for working a separate account of the trees extracted from the lands of each of the occupants and of the resultant material 8/23/c

will have to be kept for calculating the net amount to be paid to each such land holders, Obviously therefore the alternatives at (a) will have to be examined. The views of the Commissioners of the Divisions in regard to the minimum for fertility in different areas have been obtained and they will be found in the file.

32) In his letter of 16-1-58 read with a letter of 28-1-58, the C.C.F. suggests that in the anology of Coorg, the sandalwood existing in private lands must be taken over and the owner paid in lieu thereof, a compensation not less than 60 or even up to 75 percent of the net value of the sandalwood after deducting the actual cost incurred towards collection, preparation and transport. Such value being based on the actuals of the sales realised in the various regions.

33) The Minister for Agriculture desires in his minute dated 29-1-58 that suitable steps may be taken in this connection and if necessary steps may be taken to issue an ordinance.

34) Under Section 76 of the Indian Forest Act, 1927 which is applicable to the Coorg Area read with section 4 of the Coorg (Transfer of Functions) Act, 1940, the Chief Commissioner had made certain rules for the control of sandalwood, timber and other forest produce and these rules ~~having~~ come into force from 1st July 1940. These rules prescribed the method and manner in which the payment of the bonus should be made to the owners of sandalwood in private land. They also imposed certain restrictions regarding their removal from private land. It is not clear if similiar rules can be framed in regard to the other incoming areas. In almost all the incoming areas the rights in sandalwood vests in individuals

Those Rules are available in Coorg Gazette

or owners of private lands in cases where such rights have been conceded though the sandalwood tree is a reserved tree. In regard to the position of sandalwood obtainable from various incoming areas and expecially in respect of such of the trees where the rights have been conceded to the individuals the only course open to Government will be to acquire the sandalwood trees by resorting to the acquisition proceedings. If acquisition proceedings are to be adopted provisions of the Constitution of India will have to be satisfactorily answered before any measures to be taken to issue either an Ordinance or introduce legislation are contemplated. The subject acquisition comes under the concurrent list, as such the consent of the President of India will have to be obtained in either cases before an ordinance is issued or any Bill becomes a Law. Secondly the acquisition can be only for the State purposes and not just to augment the revenues of the state. In the present case however the measures that are proposed to be adopted are certainly not for augmenting the revenue of the State. The acquisition according to the provisions of the Constitution is only possible if provisions are made for the payment of adequate compensation after indicating the method and manner in which the compensation could be paid. So far as this point is concerned it has been suggested by the C.C.F. that how much compensation should be paid and on what basis it could be paid. It seems therefore possible that without going into further details in nested of the total amount of compensation likely to be paid, it is possible to examine the recommendations of the C.C.F. to introduce some measures to take over the sandalwood from private owners on the lines of the orders passed by the Coorg Government.

Serial No.

35) In the circumstances the Law Department may be requested to examine the proposals of the C.C.F. and advise the Agriculture & Forest Department if the course suggested by the C.C.F. can be adopted. The Law Department may also kindly consider the advisability of issuing an Ordinance in the matter. Attention of the Law Department is also invited to para 14 in file No. AFD 3 SDLS 58 & requested them as a little case today S.V. Subbu

24.2.1958

LD.

LAW DEPARTMENT

36) The proposal to acquire rights in sandalwood may be examined after the passing of the Mysore Forest Bill,1958 into law,as provision has been made in ~~xxxxxxxx~~ the Mysore Forest Bill,1958 for the protection of the rights of Govt. in sandalwood.

(R.P.Vasudeo)
Law Secretary
15-9-1958

A &F.Dept.)

37) For perusal of para 36 of. If appd, it will be resorted only after the Forest Bill, 1958, becomes an Act.

22/9

38) The view of the Law Dept in para 36 may be accepted and the C.C.F. according.

S.V.Subbu
22.9.58.

23/9

39) For kind perusal of Minister for Agriculture

40)

24/10

421/58-OTOV
Law-III

placed below.

FNo 389/Law
Sec. III
6-2-58 Par V

604/X.S
24/2

MYSORE GOVERNMENT SECRETARIAT
NO.
22 SEP 1958
FOREST BRANCH

OFFICE OF THE MINISTER FOR AGRICULTURE
No. P-280
24 SEP 1958

Note—Contn. Sheet

AFD File No. 28 SDL of 195 7

Mysore Government Secretariat

Serial No.

41) Dft letter put up for appr

PM 28/10

S.P.L 28/X/0

~~Here~~ 30 X

Issue.

B

GAD Pol

This file was obtained to put up in connection with our file No. GAD 69 PLX 57 in which a Letter to Shri S Nijalingappa has been issued (Dt: 29-1-1959). A copy of this has been endorsed to A&FD. Since this file is not required, it may be returned to A&FD.

LAD 5/2/59

Yes. Return.

9.2.59

(P)

A.

11/2

A.O.

Sd/ 11/2/59

Sus PM 2/4

13

~~NOTES~~ Correspondence

MYSORE GOVERNMENT SECRETARIAT

File No. AFD 25 SD/25

Department of Agri & Forest

Section Forest

Subject: Note on Sandalwood

Acquiring sandalwood in Private lands.

References:

Date	To whom sent	Notes and instructions

SANDALWOOD

Rights in Sandal in different Parts of Mysore.

MYSORE: All Sandal trees belong to Government Section 72 of the Mysore Forest Act page 32. The Sringeri Mutt, Palace, Biligiri Temple Forests and some inam holders enjoy the rights of sandal

In Bellary Division, Sandalwood in patta lands belong to pattadars and Sandalwood on Government lands belong to Government. Sandalwood belonging to the Raja of Sandur on his land is allowed to be exploited by him. But in respect of sandalwood on the lands of Pattadars in Sandur Taluk, there is a dispute. Government have been addressed and Government orders have not been recei

II. COORG: It is royal tree. the case of unredeemed private land owner is entitled to 50% of the net of Sandal. For trees on redeemed l the full net value realised at the preceeding auction sale less 25% is paid to the Owner. In unredeed lands, the owner is not entitled bonus if the tree is removed request.

III. IN OLD MADRAS STATE: (Kollegal and South Kanara Division).

a) Patta lands assigned prior to 1907. The Government have no clear general title to the sandal trees on such land.

b) Patta lands alienated betwee 1907 and 1928. Agreements are said exist between the Government and the

owners binding the owner to sell the sandal to Government at Re. 1/- per quarter (29 lbs) of rough cleaned wood. Trees existing at the time of assignment of the land belong to the Government and those which grew after the land was assigned belong to the owner.

c) Patta lands assigned after 16-6-28. The sandalwood on such lands belong to the State exclusively.

IV. BELGAUM: The sandalwood standing on Malki lands belong to Government unless the right over them is conceeded to the owner at the time of settlement or at the time of grant of lands. Permission is granted to the extraction of sandalwood trees standing in Malki lands after it is established that Government has no right over such trees.

Approximate annual extent: By this it is perhaps meant that the quantity of rough sandalwood collected should be furnished. If this is so, the figures are:-

Mysore Old	...	2000 tons
Coorg Old	...	120 tons
South Kanara Division		5 tons
Kollegal Division	...	60 tons
Belgaum circle.	...	200 tons about.
		2385 tons

Procurement:

MYSORE OLD: All sandalwood is collected by departmental agency. The Ruler of sandur only collects the Sandalwood on his lands and sells them. The Sringeri Jahagir also collects and supplies to Sandal Oil Factory

COORG: The extraction and sale are under Government agency.

16/5

OLD MADRAS AREAS: The procurement of sandal from Government lands is by Government.

Sandalwood on private lands is extracted by owners.

BELGAUM: Government extracts sandalwood from Government lands.

Permission is given for the extraction of sandalwood on Malki lands after it is established that Government has no right over such trees. The purchasers of Malki sandalwood are allowed to uproot them after they are marked by the Forest Officers and a licence is issued by the District Forest Officer for the purpose. They are required to be brought to a Government depot for conversion under the supervision of a subordinate of this Department. The purchasers are required to maintain detailed account of the sandalwood obtained from the Conversion of each tree and material is allowed to be exported under cover of a pass issued by the Forest Officer.

The quantities of Malki sandalwood prepared and exported are not readily available and will be reported in due course if required.

OLD MYSORE: There are no auction sales. About 200 tons are supplied to the Public through the agents at rates fixed from time to time based on the sale prices secured at Thirupattur and Satyamangalam deposts. The bulk is supplied to the Sandal Oil

17

Ruler of Sandur and Sringeri Jahagir Sales:

The Ruler sells at his pleasure and the Jahagir is asked to supply to Sandal Oil Factory

COORG: Government will sell in auction all sandalwood.

MADRAS: -do- only Government Wood.

BELGAUM: -do- only -do-

Existing stock in Government Depots:

	Rough Wood	Good Wood
Mysore Koti	112 tons	11 tons
Kus Hal Nagar	15½ tons	13 tons
Kollegal	12 tons	19 tons
South Kanara Bunder	6 tons	6 tons
Shimoga	518 tons	207 tons
Tarikere	137 tons	104 tons
Chikmagalur	122 tons	101 tons
Hassan	466 tons	259 tons
Total	1388½ tons	720 tons

Latest prices in auction realised in different areas in Mysore and in adjoining States:- Statement appended.

All India annual output:

Not available.

Comparatively quantity of Wood:

It is common belief that Mysore and Coorg Sandalwood have more Oil contents and are generally in good demand.

Sd/- C. Jayarama Reddy
for Chief Conservator of Forests.

"Copy"

rln.

STATEMENT SHOWING THE RATES REALISED IN THE AUCTION SALE OF SANDALWOOD.

Sl. No.	Class of Wood	Belgaum 1956	Dharwar 1956	Thirupathur 24-12-56 average per ton.	Satyamangalam 26-12-56 average per ton.	Kushalnagar 28-12-56 average per ton.	Kollegal 28-2-57 average per ton.	Rates recognised in Mysore per ton.	Remarks.
1.	Ghatbadla	Sandal-wood Rs. 3352-0-0	Sandal-wood Rs. 3523-0-0	5,368	5,781	6,087-8-0	4,992-8-0	5,400	* The highest was Rs. 7,200/- a ton for Roots III at the Decemer auction sales of Kushalnagar which is stated to be an all time record.
2.	Bhagardad			5,667	5,760	-	4,912-8-0	5,700	
3.	Roots I Class			6,405	6,422	6,289-0-0	5,460-0-0	6,400	
4.	Roots II Class			6,658	6,642	6,506-6-10	5,700-0-0	6,650	
5.	Roots III Class			7,119	6,889	*7,140-8-5	5,900-0-0	7,000	
6.	Jajpokal I Class			5,960	5,737	6,177-8-0	4,901-4-0	5,200	
7.	Jajpokal II Class			5,900	5,760	6,060-0-0	4,865-0-0	5,300	
8.	Ainbagar			5,779	5,627	5,878-9-2	4,415-0-0	5,300	
9.	Cheria			5,760	5,595	5,515-0-0	4,405-0-0	5,300	
10.	Ainchilta			5,136	5,500	5,010-0-0	4,290-0-0	5,200	
11.	Milwachilta			5,359	4,476	4,670-0-0	3,795-0-0	2,000	
12.	Basolabukni			4,553	4,054	4,377-8-0	3,392-8-0	2,000	
13.	Chegmilwa I			-	-	4,800-0-0	-	-	
14.	Chegmilwa II			-	-	5,285-8-0	-	-	
15.	Smallchips			-	-	2,995-0-0	-	-	
16.	Saw Dust			5,300	5,195	5,000-0-0	4,105-0-0	3,000	
17.	Charred billets			6,003					
18.	Charred Roots.			6,805	3,505	5,795-0-0	-	-	
	Average			5,720	5,612	5,876-15-0	4,715-8-0	-	

Sd/-
For Chief Conservator of Forests, Bangalore.

"Copy"

19 11

GOVERNMENT OF MYSORE.

AFD 25 SDC 57

From
The Secretary to Government of Mysore,
Agriculture & Forest Departments.

To
The Chief Conservator of Forests in Mysore,
Bangalore.

Sir,

Sub:- Note on Sandalwood.

.....

I am directed to request you to obtain and forward very urgently for information of Government copies of rules in force in different areas including Bellary and Sandur regarding Sandalwood rights, extraction, transport and sale of sandalwood etc., together with copies of Government Orders on the subject, ~~as the Government desire to~~. Some information has been sent by you on this subject in a special Note under the heading "Rights in sandal in different parts of Mysore". But in it the relevant copies of rules are not enclosed. It is intended to take immediate action to see if rights in sandalwood throughout the State could be acquired, where it is not with Government. If that is not possible, it is considered expedient at least to have complete control over its exploitation, movement and sale so that smuggling from State lands may be checked. The rules in different regions are required mainly to consider whether the exploitation, movement and sale could be controlled by rules, while conceding right of private owner for sale proceeds ~~whenever it~~ where such right exists. The opinion of the Chief Conservator of Forests on this point while forwarding copies of Rules is also invited. The matter may be treated as urgent as it is proposed to take a Cabinet decision after receipt of the information.

Yours faithfully,

(M.N. Gundu Rao)
Deputy Secretary to Government,
Agriculture & Forest Departments.

Issued
5.7.57

Copy to the Divisional Commrs. with the request that further information may be sent in respect of his division.

Cnn.

20 13

OFFICE OF THE CHIEF CONSERVATOR
OF FORESTS IN MYSORE
BANGALORE DATED 26th JULY 1957

No.B5/1-1292/56.

To File

The Secretary to Government of Mysore,
Agriculture & Forest Departments,
Bangalore.

Sir,

29 JUL 1957

MYSORE GOVERNMENT SECRETARIAT
NO. AFD 122
29 JUL 1957
ANIMAL HUSBANDARY & FOREST BRANCH

Sub: Note on Sandal-wood

Ref: Government Letter No. AFD-25-SDL/57 dated the 5th July 1957

1. The present position so far as sandal-wood rights in various integrated parts of the Mysore State are concerned is as follows:-

EX-MYSORE STATE:

(1) The basic rules regarding rights to trees are contained in Sections 41 to 44 and Rules 24, 25 and 26 of the Rules under the Mysore Land Revenue Code. Further, reference is also drawn to paras IX, X, XI and XII under Article 186 of the Mysore Land Revenue Manual, Volume I. Additional provisions specially about sandal-wood are contained in Sections 69 to 75 of the Mysore Forest Act and based on these detailed rules have been issued by Government.

Call
Sal
29/7/7

i. Removal of sandal trees from occupied lands and Inam lands. ii. Protection of sandal-wood in occupied & Inam lands. iii. Sale of sandal-wood.	Chapter VIII of the Mysore Forest Manual
iv. Control of the transit of sandal-wood.	Chapter IV of the Mysore Forest Manual

P.T.O.

(2) According to the above provisions all sandal-wood trees in the Ex-Mysore State are the property of Government except in areas where the rights to the trees is alienated. Accordingly, the Yelandur Jahagir, the Sringeri Mutt, the Palace Kavals, Biligiri-rangan Temple Forests and certain other Inams enjoyed the right to sandal trees in the respective areas, but, it seems, that with the introduction of the Mysore (personal and Miscellaneous) Inams Abolition Act, 1954, Government have acquired the right to all tree growth, including sandal-wood, in the Inams excluding Palace Kavals, Devasthanam Inams and Service Inams held by Shanbhogs, Patels, Totis, Talavaris and Nirgantis. The holders of the land are responsible for the preservation of all the sandal-wood trees growing on their lands.

(3) At present all sandal-wood trees in occupied lands and Inams are exploited by the Forest Department by selection of mature trees. Such selected trees are marked by the Forest Rangers and then extracted and transported to Forest Kotis, where they are converted, fashioned and classified.

(4) For sandal trees extracted from occupied lands bonus at sanctioned rates is granted to the holders of the lands, provided the land was given out for occupation prior to 9th April 1941 and the holder has proof that he had paid Malki for the land. From 9th April 1941 (the date of G.O. No.R-6861-72--LR-289-40-4 dated 9-4-1941) recovery of Malki is not made nor payment of the bonus. There are different sets of rates of bonuses or value to be paid in the cases of occupied lands, Inams, Palace Kavals:-

(i) In the case of trees extracted from occupied lands, bonus is paid on tree basis at the following rates:-

	Rs.
(a) Girth below 12 inches	0-8-0
(b) 12inches & below 21 inches	1-8-0
(c) 21 inches & below 30 "	4-8-0
(d) 30 inches & below 36 "	7-8-0
(e) 36 inches & above	10-0-0

(ii) In the case of Inamdars, the total value of the wood extracted and sold from the Inam lands is paid to them after deducting the expenditure of cutting, carting and preparing the wood plus a charge of 10% on the selling price. The Priests of the Shringeri Jahagir and Yelandur Jahagir are however, exempted from these rules and they have been allowed to extract themselves the sandal-wood trees in their areas and dispose off in any manner they like. Yelandur is at present under Government Management.

(iii) In the case of Palace Kavals, the total value realised for the sandal-wood minus the working cost is refunded to the Palace.

(5) The disposal of sandal-wood in the ex-Mysore State consists of supplying the major portion of it at fixed rates to the Sandal Oil Factories in Mysore and selling the remaining at fixed rates through Agents within and outside the Mysore State for religious and domestic purposes on commission basis. Rules provide for auction sale of the sandal-wood but for some years past, no auction sales have been held.

(6) The transport of all sandal-wood from forests to the Koti and the Koti to consuming centres is regulated by issue of transit permits under the

special sandal-wood transit rules. The sandal-wood to be removed by purchasers and consumers is also required to be stamped to indicate the ownership.

(7) Copies of relevant sections and rules under the Mysore Land Revenue Code and of extracts from the Mysore Revenue Manual, Volume I, are attached. Copies of extracts from the Mysore Forest Act and Rules have not been furnished since they are available in the latest Mysore Forest Manual.

EX-COORG STATE:

(1) In Coorg, Section 47 of the Land and Revenue Regulation provides that the right to all sandal trees in all lands vests in Government, unless otherwise expressly provided by the terms of grant made and the Government shall have all the powers necessary for the proper enjoyment or disposal of such right. Rule 85 of the rules framed under the above Regulation provides that sandal trees growing at any time upon lands granted, sold or leased by Government upon any terms shall remain the property of Government and the holder shall take all reasonable precautions to preserve all such trees and the assignee, purchaser or lessee of Government land shall be required to enter into an agreement to that effect before taking possession of the land. Copies of the above section and rule are attached.

(2) In Coorg, all sandal-wood trees are worked by the Forest Department and a duly authorised Forest Officer may enter any land and tend, uproot or remove any sandal tree growing on such land, giving in the case of a private owner a fortnights' notice in writing before entering the land.

(3) For unredeemed sandal trees removed from private lands the holder will be paid half the net amount of the sale value of the trees after deducting the cost of extraction and

other expenses etc., as bonus. As for redeemed sandal trees, they can be sold only to Government, which will pay the owner of the land a sum equal to the estimated net amount realised by sale of the trees less a royalty not exceeding 25% of the value.

(4) The disposal of sandal-wood in Coorg is done by periodical sales at the sandal-wood depots.

(5) There are special rules for the transit and removal of sandal-wood in Coorg which are given in Article 22 of the Coorg Forest Manual.

(6) In this connection, reference is invited to the rules for the control of sandal-wood given on pages 54 to 56 and the rules for the transit of sandal-wood given at pages 84 and 86 of the Coorg Forest Manual. Typed extracts of these are not enclosed as the Forest Manual would be available for reference.

AREAS FROM MADRAS STATE:

(1) So far reference books for the Madras State are not available in this office excepting the Madras Forest Manuals. From the material available, it is seen that in Kollegal Taluk and South Kanara District:-

(a) Government have no clear general title to the sandal trees on patta lands assigned prior to 1907;

(b) Agreements are said to exist between the Government and the owners of patta lands alienated between 1907 and 1928 binding the owner to sell the sandal-wood to Government at Rupee one per quarter of rough cleaned wood. Trees existing at the time of assignment of the land belong to Government and these which grow after the land was assigned belong to Government;

(c) In patta lands assigned after 16-6-1928, the sandal-wood belongs to the State exclusively.

(2) So far as the Bellary District is concerned, it is reported that sandal-wood in patta lands belongs to pattadars and sandal-wood in Government lands belongs to Government. Sandal-wood belonging to the ~~Rxm~~ Raja of Sandur on his lands is allowed to be exploited by him, but about sandal-wood on lands of pattadars in Sandur Taluk, there is a dispute which has been referred to Government and Government orders in this respect are yet awaited (vide this office Do.No. M-1-U.O.-62/54.....dated. 24-9-1956.....)

(3) All sandal-wood extracted departmentally is taken to depots and disposed of by periodical sales.

(4) The transit of sandal-wood in Bellary, South Kanara and Kollegal Divisions is covered by the rules given on page 199 of the Madras Forest Manual, Volume.I. A copy of the rules is not attached as they are available ~~for reference~~ in the Manual for reference.

AREAS FROM HYDERABAD STATE:

(1) So far as Hyderabad Rules are concerned, sections 28 to 47 from the Hyderabad Land Revenue Act of 1317-F deal with "Trees". According~~xxx~~ to these, right to all trees whether "Irsali" or "Ghairi" in occupied patta lands are conceded to the pattadars, excepting such trees as may have been reserved to Government, by notification. Trees standing outside occupied lands ~~are given~~ or in rivers, nalas, or roadside trees or trees in beds of tanks and kuntas or on the sides of Kuntas are the property of Government. A copy of these rules ~~are~~ is attached.

....7

(2) It is not known in the absence of records which of the species are classified under the terms "Irsali" and "Ghairi" and whether sandal-wood is included under any of these terms. Rules for transport or sale of sandal-wood as such are not also available in this office and the details about these are being ascertained from the Conservator of Forests, Bellary.

AREAS FROM BOMBAY STATE:

(1) Sections 40 to 44 of the Bombay Land Revenue Code 1879, and Land Revenue Rules 58 to 63 deal with the right of Government to trees and the reservation and disposal of them on land occupied or being given out for occupation. The gist of these provisions, is that all Teak, Black-wood and sandal-wood trees, even if they are outside the forest, including occupied lands, or the property of Government in the following cases:-

(a) Trees which stand in occupied lands the settlement of which was completed before the date (21-1-1865) of Bombay Act I of 1865, unless the right to such trees has been conceded to the occupant by clear and express words to that effect.

(b) Trees which stand in occupied lands and were reserved at the time of the Survey Settlement.

(c) Trees which stand in occupied lands and were not reserved at the time of settlement but were specially reserved at the time of granting the land.

(d) Trees (including their aftergrowth), which stand in service Inam Lands, except in cases where a summary or other settlement has been applied and the "Sannad" issued under such settlement confers on the Inamdar in clear and unmistakable terms a proprietory right over the land on which such trees stand or over such trees.

P.T.O.

(e) Trees in village sites for which a Survey Settlement has not been introduced, except in cases in which the ownership of such trees has been specifically alienated. Copies of the above provisions from the Bombay Land Revenue Code and Rules are attached.

(2) Further, Rules 90 to 104 of the Bombay Forest Rules framed under Sections 41 and 76 of the Indian Forest Act, 1927, apply to Reserved trees which includes sandal-wood. These cover the permission required to cut and convert sandal-wood in the state of Bombay - vide part II-A of the Bombay Forest Manual, Volume II. The transit rules 66 to 85 framed under Section 41 of that Act also apply to the transit of sandal-wood. Copies of these rules are not attached as they will be available in the Manual quoted.

(3) Regarding disposal of sandal-wood trees in occupied lands, if the trees belong to Government, they are extracted departmentally but the extraction of other sandal-wood trees in occupied lands is regulated under the forest rules ~~xxxxxx~~ referred to in the preceding paragraph.

2. Summing up, it would be seen that :-

(i) In ~~the~~ Mysore (Old) all sandal-wood trees excepting those alienated, ~~all the trees of both categories~~, ~~being~~ are worked by the Forest Department;

(ii) In Coorg, all sandal-wood trees ~~xxx~~ are Government property and the working of these including redeemed trees which have to be sold to Government only is done by the Forest Department.

(iii) In Madras, it would be seen that while Government sandal-wood trees are extracted and worked by Government, trees of private ownership are permitted to be worked by private agency under the rules framed by Government and printed ~~xx~~ on page 199 of the Madras Forest Manual, Volume I.

(iv) About Hyderabad it is not clear in the absence of records at hand as to what procedure is followed about working and transport of sandal-wood other than that of Government.- Ownership, but in the Bombay State while Government sandal-wood is extracted departmentally, sandal-wood of private ownership is disposed of by the owners themselves and also worked by them or the purchasers subject to the Bombay Forest Rules quoted above.

3. Thus, it is only in Madras, Hyderabad and Bombay Areas that a system of second agency, i.e. private agency, exists for working sandal-wood, and it is this that has helped the smuggler in sandal-wood to carry on his profession under some cover. Existence of this system has also helped to certain extent illicit traffic in sandal-wood within the (old) Mysore State, and it is high time that legislation is undertaken to do away with the private agency in working the sandal-wood. One of the methods would be to acquire all private sandal-wood trees by payment of bonus to the owners on 'per tree' basis under special rules to be enacted providing that:-

(i) the right of exploiting and working all sandal-wood trees in the State would vest in Government and this would include all "Malki" trees in occupied lands and inams as well;

(ii) all Malki sandal-wood trees, as soon as mature, to be exploited by the Forest Department which will pay the owner at a fixed uniform rate as determined by Government for each Malki tree selected and extracted by the Forest Department;

(iii) transport of the purchased material to be removed by the purchaser should be controlled and regulated under special rules;

(iv) storage of sandal-wood by private agency should be strictly controlled by providing for a storage license to be obtained from the Forest Department and making it obligatory for the store to maintain correct accounts of the sandal-wood received in it and disposed of,

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all entries being supported by passes or issue vouchers. Such accounts to be open for examination by Forest Officers at fixed intervals.

4. Once the existing Malki of all sandal-wood trees ~~now existing~~ is acquired, by Government under legislation, it could be seen whether the future growth of sandal-wood in all private lands could also be made absolutely state owned. Even then it would be advisable to fix some remuneration to be paid to the occupants of the private lands as bonus for encouraging them to rear up as many sandal-wood trees in their lands as possible. Actually bonus is now paid for removal of trees from private lands in the areas of ex-Mysore State and for unredeemed and redeemed trees in Coorg State. It is also learnt and even in old Madras State, where Malki Sandal was being removed from private lands the Government used to pay 47½% of the sale price realised at Satyamangalam during the year. It is only in Bombay and Hyderabad States that no such payment is made. However, the bonuses paid in the three States are considered somewhat not adequate to encourage the occupants of private lands to look after the sandal-wood trees, in their holdings, except in Coorg. It is suggested that when once all private sandal-wood trees, are taken over by Government, the occupants should be paid a uniform rate for the mature trees containing heart-wood on the following scale:-

		R.nP.
i.	Below 12" girth	5/00
ii.	12" and below 21"	10/00
iii.	21" and below 30"	15/00
iv.	30" and below 36"	25/00
v.	36" and above	40/00

The above rates would apply to all areas in the Mysore State including the areas merged from Bombay, Hyderabad, Coorg and Madras States.

5. Alternatively, if acquisition of private sandal-wood is not considered necessary, it is suggested that legislation should make it obligatory for the occupants of land to offer the trees to the Forest Department, which should be the only agency for their working, the occupants of the land receiving back the sale proceeds of the resultant material less the working cost and a certain percentage ~~xx~~ as supervision and other overhead charges. This procedure will however be labourious, for working as separate account of ~~xxxxxx~~ the trees extracted from the lands of each of the occupants and of the resultant material will have to be kept for calculating the net amount to be paid to each such land holder.

Yours faithfully,

M. A. Muthanna

(M.A.MUTHANNA)
Chief Conservator of Forests

N Seetharam/26

RIGHT TO TREES IN VILLAGE TO WHICH SURVEY SETTLEMENT HAS NOT BEEN INTRODUCED

Sec. 41. (1) In villages or portions of villages to which a survey settlement has not been introduced under Bombay Act I of 1865 or under Chapter VIII of this Act the right to all trees, except such as are reserved by Government under any law relating to Forests for the time being in force, shall be deemed to vest in the occupant, if any, of the land upon which they may be standing except when such trees are the property of the Government or of individuals, in which case it shall be competent for Government to transfer the right in question to the occupant under such rules as the Government, may from time to time, frame in that behalf

RIGHT TO TREES IN UNALIENATED LAND.

(2) In villages or portions of villages of which the original survey settlement has been completed before the passing of this Act, the right of Government to all trees in unalienated land, except trees reserved by Government, or by any Survey Officer, whether by express order made at or about the time of such settlement, or under any rule or general order in force at the time of such settlement or by notification made and published at or any time after such settlement, shall be deemed to have been conceded to the occupant.

(3) In the case of villages or portions of villages of which the original survey settlement shall be completed after the passing of the Act, the right of Government to all trees in unalienated land shall be deemed to be conceded to the occupant of such land, except in so far as any such rights may be reserved by Government, or by any Survey Officer on behalf of Government, either expressly at or about the time of such settlement, or generally by notification made and publish-~~pbmk~~-ed at any time previous to the completion of the survey settlement of such village or portion of a village.

(3) In the case of villages or portions of villages of which the original ~~af~~ ~~wx~~ survey settlement shall be completed after the passing of the Act, the right of Government to all trees in unalienated land shall be deemed to be conceded to the occupant of such land, except in so far as any such rights may be reserved by Government or by any Survey Officer on behalf of Government, either expressly at or about the time of such settlement, or generally by notification made and published at any time previous to the completion of the survey settlement of such village or portion of a village.

(4) When permission to occupy lan has been, or shall hereafter be, grante after the completion of the survey settlement of the village, or portio of village, in which such land is ~~xxxxx~~ situate, the said permission shall be deemed to include the conce sion of the right of Government to all trees

growing on that land which may not have been, or which shall not hereafter be, expressly reserved at the time of granting such permission, or which may not have been reserved under any of the foregoing provisions of this section at or about the time of the original survey settlement of the said village or portion of a village.

GOVERNMENT TREES AND FORESTS.

Sec. 42. The right to all trees specially reserved under the provisions of the last preceding section, and to all trees, brushwood, jungle or other natural product, wherever growing, except in so far as the same may be the property of individuals or of aggregates of individuals capable of holding property, vests in the Government, and such trees, brushwood, jungle or other natural product shall be preserved or disposed of in such manner as Government may, from time to time, direct.

ROAD - SIDE TREES.

Sec. 43. All road-side trees which have been planted and reared by or under the orders of, or at the expense of, Government or at the expense of local funds, vest in Government. But in the event of such trees dying, being blown down, or being cut down by order of the Deputy Commissioner, the timber shall become the property of the holder of the land in which they were growing, and the usufruct, including the lopping of such trees, shall also vest in the

said holder, provided that the trees shall not be lopped, except under the orders of the Deputy Commissioner.

If the holder of any land in which such trees are growing shall so desire, and shall make an application to the Deputy Commissioner for the purpose at any time within two years from the date on which this Act shall come into operation, the Deputy Commissioner shall deduct the strip of land covered by the said trees from his holding and remit thenceforward the proportionate amount of land revenue due upon the strip so deducted. Any strip of land so deducted shall, with the trees upon it, vest thereafter in Government.

SALE OF PRODUCE OF GOVERNMENT TREES.

24. The Produce of trees belonging to Government may be sold by auction annually.

RIGHT TO TREES GROWING ON THE BANKS OF A STREAM INCLUDED IN AN OCCUPIED SURVEY NUMBER.

25.(a) If trees other than sandal or trees specially reserved under Section 42 of the Land Revenue Code grow upon the banks or dry bed of a stream included in an occupied survey number, they belonging to the occupant.

(b) When a stream forms the boundary of an occupied survey number, the occupant should be allowed the benefit of the trees up to mid-stream subject to the provisions of the Land Revenue Code regarding alluvion (Sections 61 and 62).

Mysore Land Revenue Manual
Right to trees. 35 35

STATUTORY PROVISIONS.

(1) The law as to the right to trees generally is contained in Secs.41 and 42, L.R.C. The produce of trees belonging to Government should be sold by auction annually (Rule 24, L.R.R.) Regarding the right to trees growing in, or on the banks of, a stream, see Rule 25 ibid.

~~Sales of lands and produce of trees, etc., are held, in accordance with instructions given in Rule 26.~~

(2) The right to road-side trees planted and reared by, or under the orders of or at the expense of, Government, or Local Funds, vests in Government, In the event of such trees dying, being blown down, or being cut by order of the Deputy Commissioner, the timber becomes the property of the holder, if any, of the land on which they stood. The usufruct of the trees including the loppings also vest in the holder. But he should not lop the trees as that duty vests in the subordinates of the Revenue Department (Sec.43 L.R.C.)

(3) Persons unauthorisedly felling any trees or removing any other mature product which are the property of Government are liable for the value thereof which may be recovered as an arrear of land revenue and they will also be liable to pay penalty or to stand a criminal prosecution, according to the discretion of the

Deputy Commissioner(Sec.44.L.C.R.)

309.17-Cir.8,d/17th April 1889

115. (i) A Shrayadar of a village granted on Shraya tenure should be treated as an occupant of Government assessed land, and the rules regarding trees on occupied lands, as applied to the taluk at the settlement, regulate his rights to the trees of the shraya tenure.

(ii) A distinction should be drawn between trees on assessed occupied lands of the village, and those on unassessed Government lands ~~of the~~ or lands set apart for public purposes. The Shrayadar has no right to the trees of the latter class (and in fact to the lands on which the trees stand). He has a right to trees on assessed land, ~~it is~~ if it was ceded to him at the time of Settlement.

(iii) The shraya tenure of a 'bechirak' village does not confer on the grantee the position of the holder of an alienated village, such as Kayamgutta, Inam or Jodi.

D Decision d/30th July 1890.

Mere entry in Gida Patrike by the Survey Department does not create a claim in favour of an individual.

116. An entry in the " Gida Patrike or list of trees prepared by the Survey Department during Survey, including in

a private Khata, certain trees which were admittedly the property of Government prior to the Survey, cannot confer a right to them in the absence of a sale.

4783-P-66,d/16th July 1891.

Trees planted by private individuals on Government lands.

117. Private individuals have no right to trees planted by them on Government lands whether with or without the knowledge that the lands were the property of Government.

2919-Rev.7,d/7th July 1875.

Right to trees on tank bunds.

118. (i) Trees growing on the bunds of tanks belonging to Inam villages must be ~~xxxxx~~ regarded as the property of Inamdars.

(ii) Trees growing on the bunds Government tanks, excepting " sirkar topes " planted by individuals for charitable purposes and trees, permitte to ~~the~~ be planted by villagers, vest in Government.

(iii) Whenever it becomes necessary to remove trees on the bunds of Government tanks, the Deputy Commissioner should issue a notice in the usual manner, and if any claims are put forward, the same should be investigated. If his decision be in favour of the claimants, the timber should be made over to them.

(iv) In Inam villages the tanks of which are being repaired by the Irrigation Department, trees which it is necessary to remove may be felled with the sanction of the Deputy Commissioner and the timber relinquished to the owners.

4854-P.F.264-92,d/8th Septr. 1893

119. Trees on bunds of a Kodigi tank the Inams of which have been enfranchised and whose Kodigidar has been relieved of the responsibility of maintaining the tank vest in Government and not in the Kodigidar.

7724-5-P 1546,d/25th Feb.1896

120. Established private ownership of trees should not be interfered with except under proper legal authority.

Trees standing on private sites

1372-80-R.F.161.96,d/31st July 1897

121. (i) When trees standing on assessed vacant sites belonging to private persons are being enjoyed by them, the right continues.

(ii) In cases in which a reservation of the trees has been made and the produce included in the sale of Amarayi, the right of Government in the trees should be made over to the party owning the land for a fair valuation.

(iii) When vacant sites are hereafter sold, no such reservation should be made, but their value should be included in the sale-price.

Trees in official quarters.

9004-43.L.F.17-1900,d/16th Jan.1901.

122. Tenants of Government buildings, occupied as official residences should not prune, or otherwise interfere with trees in the compound, without the consent of the Executive Engineer of the Division.

5591-610-932.51 d/20th Dec. 1892,11226.35-R,1223,d/9th Jan 1894,R.1370.9-R F.116.92 d/30th Septr.1902

Avenue trees

123. (i) Amildars are invested with the duty of lopping avenue trees. The lopping should be restricted to the absolute requirements of the safety and convenience of traffic. Persons who are allowed the usufruct of the trees, are entitled to the loppings minus the cost thereof. Where no such persons exist, th loppings should be sold and the proceeds credited to Government, under the head " Land Revenue Miscellaneous ". Similarl the expenditure, if any, incurred should be paid from contingencies and debited to the same head of account.

(ii) The lopping should be attended to every year at the close of the cold season i,e, in the month of February, as it is the most convenient time for such operation without any danger to the trees.

(iii) The replanting of trees in place of fallen, dead or cut trees, should be systematically attended to by the Patel and the Shanbhog.

Every Shekdar should inspect the places within his jurisdiction and report to the Amildar before the begining of the rainy season how many trees require to be planted. The respective villagers are bound to supply the vacancies within the limits of their villages, except where the usufruct of the trees is conceded to private persons In the latter case, those who enjoy the usufruct are bound to replant vacancies in their respective limits Such trees as grow well in the neighbour hood of the locality and as far as possible useful fruit and other trees affording good share, should be chosen to supply the vacancies. At the Taluk Janabandi, the shanbhog should presnet a statement showing the trees fallen dead or cut during the previous official year and the number replanted. A fair proportion should be verified by actual inspection by taluk and District Officers.

FORM OF THE SURVEY GUARANTEE

PARA 186. The following revised survey guarantee is applicable to the taluks in Mysore, already brought under the operation of the Survey Settlement, and is published for general information in supersession of all guarantees previously promulgated:-

* * * * * *

FORESTS & WOODS

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X. To each village a certain portion of land is assigned at the Survey Settlement as free grazing land for common use. Excepting the (9) nine reserved forests descriptions of timber according to the list in the margin, all wood in these common lands is reserved for the use of the villagers, under such rules as may from time to time be issued by the Government. Timber of the reserved kinds in these common lands shall be at the disposal of the Forest Department.

1. Honnay.
2. Lac tree.
3. Nandi.
4. Wild Jack.
5. Poon.
6. Karachi.
7. Teak.
8. Sagri and Abnus Black wood.
9. Sandalwood.

XI. In the case of land already occupied at the time of the Survey Settlement, or taken up for occupation at or after, that settlement, all wood shall be made over to the occupant on such terms

as the settling officer may arrange, excepting the nine reserved descriptions mentioned in the preceding paragraph. The disposal of the wood of those reserved kinds shall be vested in the Forest Department upto one year from the date of the settlement, or from the date of the survey number being taken up; if taken up after the settlement, should the Forest Department not reserve the wood within the abovementioned period of one year, it shall, excepting sandalwood, become the exclusive property of the occupant, to who also any wood henceforward growing in the survey number in question, excepting sandalwood, shall exclusively belong.

XII. In all unoccupied assessed or unassessed lands, trees of the (nine) nine reserved kinds are the exclusive property of Government, but trees of the unreserved kinds may be used by the genera public under the provisions of the Forest Rules.

PROVISIONS OF THE COORG LAND AND REVENUE REGULATION (I OF 1899), THE INDIAN FOREST ACT, 1927 (IN ITS APPLICATION TO COORG) AND THE RULES ISSUED THEREUNDER IN RESPECT OF SANDALWOOD TREES

(A) Provision of Coorg Land and Revenue Regulations and Rules thereunder

47. ~~XXX~~ Rights of Government in Mines, etc.:-

(1) Unless it is otherwise expressly provided by the terms of any grant made, or of any other instrument of transfer executed, by the Government, the right to all mines, minerals and quarries and to all earth-oil and gold washings and sandalwood trees in all lands and to all subsoil rights in bane lands, and the right to take from all lands stones or material for repair of public roads, shall vest in the Government, and the Government shall have all the powers necessary for the proper enjoyment of disposal of such right.

(2) If for the purpose of the exercise of any of the rights referred to in this section, either by the Government or by any person acquiring such rights from the Government, any land in the holding or enjoyment of others is required, such land may be acquired in accordance with the provisions of the Land Acquisition Act, 1894; and whenever, in the exercise of any of the rights aforesaid any damage is caused to any landholder by the disturbance of the surface of such land, and such landholder and the Government are unable to agree as to the amount of compensation to be paid to the former in respect of such damage, the amount shall be determined in accordance with the said provisions.

RULES

83. Grant of land containing sandal trees:- No land containing sandal trees shall be granted, sold or leased for any purpose except after consultation with the Conservator of Forests nor without his concurrence, except by order of the Chief Commissioner.

84. Applications for lands containing five or more sandal trees per acre which in the opinion of the Conservator of Forests are likely to be valuable sandal-bearing areas, shall usually be rejected. Where an application for the grant or sale of land has been rejected under this rule, the Assistant Commissioner, in consultation with the Conservator of Forests, shall endeavour to find other suitable land in the neighbourhood which can be granted or sold to the applicant. Where such land cannot be found, the Conservator of Forests, shall consider whether the sandal may not be removed, and the land then granted or sold. In the administration of this rule, the Assistant Commissioner and the Conservator of Forests will bear in mind the necessity of encouraging cultivation, while ensuring that there is no loss of legitimate Government revenue.

85. Property in sandal trees:- The sandal trees growing at any time upon lands granted, sold or leased by Government upon any terms shall remain the property of Government. The holder shall take all reasonable precautions to preserve all such trees and to protect the host plants marked by the Forest Department. The assignee, purchaser or lessee of Government land shall be required to enter into an agreement to this effect before taking possession of the land.

86. Removal of sandal trees on private land:- A Forest Officer authorised in this behalf may enter on any land and tend, uproot and remove any sandal trees growing on such lands. The land-owner shall be given a fortnight's notice in writing before a Forest Officer enters his lands in order to remove sandal trees growing on them.

87. In exceptional circumstances, on receipt of a representation that the preservation of sandal trees or their host plants interferes with cultivation, the Conservator of Forests may order the removal of sandal trees or their host plants growing on private lands. If the land concerned is a good sandal-bearing land the Assistant Commissioner may after consultation with the Conservator of Forests and with the agreement of the landholder, grant an equivalent portion of land in exchange for the land concerned.

88. (a) The unredeemed sandal trees removed from the private lands will be listed out, noting the girth and weight and other details after rough cleanning.

(b) On the above basis, the quantities and classes of final cleaned wood expected to be obtained from this will be estimated. After the sandal-wood sale in which the consignment concerned is sold, the value of the sandal-wood will be fixed. From this amount the cost of extraction transport, supervision and other incidental charges as fixed by the ~~Conservator of Forests~~, will be deducted, and half of the net amount will be paid as bonus to the party from whose land the sandal-wood is extracted.

(c) The decision of the Conservator of Forests, as to the estimate of the quantity and class of the wood that will be obtained, the expenses to be charged, and the net amount to be paid, will be final.

NOTE:- (i) No bonus would be paid, if heart wood is not present in saleable quantity.

(ii) No bonus would be paid for any living tree removed at the owner's request.

(iii) No bonus would be paid for any tree which has been wilfully killed, or has died through culpable neglect.

89. Redeemed sandal trees:- The provisions of the above clauses do not apply to sandal trees redeemed prior to the issue of this notification. Such trees can only be sold to Government. Government will pay the owner of the land on which they stand, for trees sold to Government, a sum equal to the estimated net amount realised by the sale of the trees by Government or based on the average price obtained for all the sales during the year in the year in which the wood was removed, less a royalty which shall not exceed 25% of the value as calculated above. This sum will be determined by the Conservator of Forests, subject to the appeal to the Chief Commissioner whose decision shall be final.

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(3) ~~Indian Forest Act, 1927~~ Rules thereunder:

The above rules 83 to 89 have been repeated under Rules 18(1) to 18(7) framed under the Indian Forest Act, 1927 (In its application to Coorg), vide pages 54 to 56 of the printed Manual corrected upto 31st March 1955.

EXTRACT FROM THE HYDERABAD LAND REVENUE ACT NO.VIII OF 1317 F., AS AMENDED UPTO END OF 1357 F.

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Trees

TREES "IRSALI" OR "GHAIRI" STANDING ON THE PATTADAR'S HOLDING

28. The right to trees whether "Irsali" or "Ghairi" within the limits of land occupied by a Pattadar shall be fully conceded to him so long as he holds the Patta thereof, as also those trees which may have grown up spontaneously or have been planted after obtaining the patta, or have cropped up from the roots of trees cut by the Forest Department. The right of Pattadar will not extend to such trees only over which Government may have reserved its right by notification.

RIGHT OF PATTADAR TO THOSE TREES IN LAND HELD BY HIM WHICH WERE PLANTED PRIOR TO HIS OCCUPATION

29. Trees "Irsali" or "Ghairi", in land in the occupation of pattadars which may have been planted by the present ~~pattadar~~ pattadar or by those persons whom he has succeeded or which may have been acquired by him or his predecessors-in-title by any lawful means, shall remain to be the property of the present pattadar and at his disposal, and Government shall have no right of any kind thereto; and the right to such trees also that have not been planted by the pattadar or by any person from whom he has inherited or by a former pattadar whom he has succeeded and the right of Government to which may be subsisting, shall be conceded to the pattadar if they have not been felled by the Forest Department, not sold to the present pattadar under rule promulgated by Government by notification.

TREES OUTSIDE OCCUPIED LAND OR IN THE BED OF RIVERS NALAS, ETC.

30. Trees standing outside occupied lands or in rivers, nalas or road-side trees or trees in the bed of tanks and kuntas or on the sides of kuntas, shall be deemed to be the property of Government.

SALES OF "IRSALI" TREES OUTSIDE THE FOREST RESERVES

31. In the taluks in which boundaries of Forest reserves have been demarcated the Talukdar may, if he deems fit to let out for cultivation all such land as is situated beyong the boundaries fixed, sell the trees therein for a price which he may deem reasonable and let out the land for cultivation and credit the sale-proceeds of the trees to the Forest Department, but in case the "Irsali" timber therein be of a valuable kind and abundant in quantity, he shall give a notice in writing thereof to the Assistant Conservator of Forests, and it shall be incumbent on the Forest Department either to fell or sell the trees within one year from the date of receipt of the notice, failing which the Talukdar may himself sell the trees and credit the sale-proceeds to the Forest Department, and in case it is not deemed fit to fell such trees, they may be preserved, and excluding the land containing those trees patta of the rest may be given.

LETTING OUT FOR CULTIVATION, UNOCCUPIED LAND CONTAINING VALUABLE TREES SITUATED IN A TALUK WHERE FOREST BOUNDARIES HAVE NOT BEEN DEMARCATED

32. If the Talukdar, in taluks where Forest-reserves have not been demarcated, may deem fit to give out for cultivation such unoccupied land as is situated beyond the proposed boundaries and which contains forest or valuable trees, he shall consult the Forest Department and if, with the concurrence of a competent officer of the said Department, any person is allowed to occupy such land the provisions of the last preceding section shall apply thereto.

PATTA FOR LAND WITHIN FOREST RESERVES TO BE GIVEN AFTER CONSULTING THE CONSERVATOR OF FORESTS

33. Unless land is especially set apart for cultivation within Forest reserves, no new patta therein shall be given without consultation with the Conservator of Forests.

TODDY AND SENDHI TREES IN PATTA LAND SHALL BE THE PROPERTY OF GOVERNMENT

34. Toddy and Sendhi trees within the limits of a patta land shall be deemed to be the property of Government, but the pattadar shall be entitled to the use of their leaves, fruits and wood.

PATTADAR MAY PLANT TODDY AND SENDHI TREES IN HIS LAND WITH THE PERMISSION OF THE TALUKDAR

35. A pattadar may, with the written permission of the Talukdar, plant in land held by him, Sendhi or Toddy trees, provided that he does so only in such portion of the land which does not already contain Sendhi or Toddy trees belonging to Government. The trees thus planted shall be deemed to be the property of the Pattadar but the juice thereof shall be subject to the right of Government, and the pattadar shall not get them tapped by any person other than the Government contractor. The person who has planted the trees may fix the amount of "Malikana" and negotiate with the Government contractor; and the Talukdar shall get enumerated all the Government trees in the land and a list thereof prepared and preserved and then he may grant permission to plant new trees.

TODDY AND SENDHI TREES MAY BE PLANTED ON THE BANKS OF RIVERS AND NALAS AFTER OBTAINING A PATTA THEREFOR AND SUCH TREES SHALL BELONG TO THE PATTADAR

36. If any person may desire to plant Sendhi and Toddy trees on the banks of rivers and nalas not constituting a regular number, he may, on obtaining a patta therefor, do so, under the provisions of the last preceding section. Such trees shall be deemed to be his property and with the rights of the patta, right to such trees shall also pass on transfer.

RULES REGULATING LOPPING OF SENDHI AND TODDY TREES SHALL APPLY TO GOVERNMENT TREES ONLY

37. Rules regulating the lopping of Sendhi and Toddy trees which are now in force or may hereafter be enforced by notification shall apply to Government trees only; trees which are the property of a pattadar shall be exempted from the operation, thereof as regards lopping thereof and use of their leaves, fruits and wood.

PROPRIETARY RIGHT OVER "GULMOHVA" TREES

38. The proprietary right to existing gulmohva trees in occupied land shall remain with ~~gulmohva~~ the Government, but ~~afk~~ hereafter such gulmohva trees, which the pattadar may, with the written permission of the Talukdar, plant in land held by him or in a portion thereof, wherein there is no tree belonging to Government, shall be deemed to be the property of the pattadar and he shall be fully entitled to the use of leaves, fruits, flowers and wood thereof; but the pattadar shall not independently of the Government contractor ferment gulmohva or sell gulmohva seed or flower to any person other than the Government contractor. This gulmohva shall not be exempt from excise duty. The Talukdar shall get all the existing Government trees enumerated and entered in a list as Government property and excepting these he may grant permission to plant other trees of a similar kind.

RIGHT TO FRUIT-BEARING TREES IN OCCUPIED LAND

39. Fruit bearing trees standing in an occupied "number" or "pote-number" or which may hereafter grow up shall be deemed to be the property of the pattadar, and he shall be fully entitled to their use, but the trees the fruit of which is till now auctioned on behalf of Government, shall be deemed to be the property of Government, and until such time as the trees exist, one-half of the amount of sale-proceeds calculated per tree on a ten years average shall be, irrespective of the condition of crop, recovered from the pattadar. The right ~~of~~ to the fruit of such trees shall be sold to the pattadar of the "Number" alone and for a price which shall not be less than the average amount for ten years and such right shall pass with the patta on transfer but the trees shall be deemed to be the property of Government.

RIGHT TO FRUIT-BEARING TREES IN UNOCCUPIED LAND MAY BE TRANSFERRED WITH THE LAND

40. If any application is made to let out for cultivation any unoccupied "Number" or "Pote-number" in which there are fruit-bearing trees and the fruit of which has till now been auctioned on behalf of Government, all such trees may be sold to the applicant under the provisions of the last preceding section; but if he does not desire to purchase them, or, if trees are numerous or very valuable, the Talukdar may reject the application or let out the land alone for cultivation and reserve the trees ~~xxxx~~ for Government in accordance with the provisions of the last preceding ~~chapter~~ section.

PROCEDURE IN CASE OF LAND IN POSSESSION OF ONE PERSON AND TREES IN THAT OF ANOTHER

41. If in any occupied land the right of a different person to trees therein or his possession of them is recognised, it shall subsist, but in futur whenever the occupant of the land relinquishes it or dies without leaving any heir or absconds, the patta of such land may be given to the owner of the trees, and in case he declines, his right to the trees shall cease.

PROCEDURE IN CASE OF TREES PLANTED IN UNOCCUPIED LAND BY ANY PERSON AND RETAINED IN HIS POSSESSION

42. If in any unoccupied land there are tree planted by him and in his possession, the patta of such land may be given to him, and in case he declines to take the patta his right to the said trees shall cease.

IF IN THE EVENT OF A PATTADAR ABSCONDING, DYING OR RELINQUISHING THE LAND THE CLAIM OF ANY OTHER PERSON TO THE LAND IS NOT RECOGNISED, THE TREES SHALL BE THE PROPERTY OF GOVERNMENT

43. If any pattadar absconds or dies or relinquishes the land and his rights to the land are not restored to the pattadar or his heirs or "Asami-Shikmis", the trees in the said land shall be deemed to be the property of Government.

LAND MAY BE LET OUT FREE OF ASSESSMENT FOR PLANTING SHADY TREES FOR THE BENEFIT OF THE PUBLIC

44. If any person desires for the convenienc of travellers to plant shady trees whether fruit-bearing or not, by the ~~xxxx~~ side of the road or close to it or round a Sarai or such warf buildings in whic travellers or troops camp, Government may grant land free of assessment for planting such trees.

CONDITIONS ON WHICH LAND FOR RAISING GROVES MAY BE GIVEN

45. If any person desires for his own benefit to raise a grove of mango, tamarind, babul or any other kind of trees, in such barren or uncultivated land lying as such for more than ten years situated beyong the forest reserve and which does not contain any valuable forest trees, and the raising of which grove may in some way also be of benefit to the public, such land may be obtained under the orders of the Talukdar of the District free of assessment for a period of twenty years, and after the expiry of twenty years, it shall be liable to assessment at the dry rate, provided that water from a Government source of irrigation is not taken; but if such water is taken dastband shall be levied. It shall be incumbent on the applicant to plant annually trees in at least one-fifth portion of the land so that the whole land may come under plantation within five years. If within five years the whole land is not planted with trees sufficient in number with due regard to their kind, that portion alone of it in which trees have been planted shall be allowed to be held free of assessment in future and the rest shall be liable to assessment from the sixth year. Cultivation between the trees shall not be prohibited.

PROCEDURE IN CASE OF A PATTADAR, FELLING TREES BELONGING TO GOVERNMENT

46. A pattadar shall not fell any such fruit-bearing or "irsali" or "Ghairi" trees which have been declared to be the property of Government. Any person who shall, without the permission of a competent officer fell any such tree or cut its root or appropriate it to his own use or take it away, he shall be liable to pay its price together with a penalty which may extend to double the price of the tree, which shall be recovered from him as a revenue-demand.

PRIVILEGE TO TAKE WOOD FROM WASTE LAND OUTSIDE FOREST-RESERVES

47. Without payment of any tax and subject to rules enforced by Government by notification, the ryots in general of a village may cut firewood and agriculturists, such wood as may be required for agricultural implements in any waste land in that village lying outside Forest-reserves.

* * * * *

THE BOMBAY LAND REVENUE CODE, 1879
(Bombay Act No. V of 1879)

* * * * *

CONCESSION OF GOVERNMENT RIGHTS TO TREES IN CASE OF SETTLEMENTS COMPLETED BEFORE THE PASSING OF THIS ACT

40. In villages, or portions of villages, of which the original survey settlement has been completed before the passing of this Act, the right of the Government to all trees in unalienated land, except trees reserved by the Government or by any survey officer, whether by express order at, or about the time of such settlement, or under any rule, or general order in force at the time of such settlement, or by notification made and published at, or at any time after, such settlement, shall be deemed to have been conceded to the occupant. But in the case of settlement completed before the passing of Bombay Act I ~~xxxxx~~ of 1865 this provision shall not apply to teak, black-wood or sandal-wood trees. The right of the Government to such trees shall not be deemed to have been conceded, except by clear and express words to that effect.

CONCESSION OF GOVERNMENT RIGHTS TO TREES IN CASE OF SETTLEMENTS COMPLETED AFTER THE PASSING OF THIS ACT

In the case of villages or portions of villages of which the original survey settlement shall be completed after the passing of this Act, the right of the Government to all trees in unalienated land shall be deemed to be conceded to the occupant of such land except in so far as any such rights may be reserved by the Government, or by any survey ~~settlement~~ officer on behalf of the Government, either expressly at or about the time of such settlement, or generally by notification made and published at any time previou to completion of the survey settlement of the district in which such village or portion of a village is situated.

CONCESSION OF GOVERNMENT RIGHTS TO TREES IN CASE OF LAND TAKEN UP AFTER COMPLETION OF SETTLEMENT

When permission to occupy land has been, or shall hereafter be, granted after the completion of the survey settlement of the village or portion of a village in which such land is situated, the said permission shall be deemed to include the concession of the right of the Government to all trees growing on that land which may not have been, or which shall not hereafter be, expressly reserved at the time of granting such permission, or which may not have been reserved, under any of the foregoing provisions of this section, at or about the time of the original survey settlement of the said village or portion of a village.

TREES AND FORESTS VESTING IN THE GOVERNMENT

41. The right to all trees specially reserved under the provision of the last preceding section, and to all trees, brushwood, jungle, or other natural product growing on land set apart for forest reserves under Section 32 of Bombay Act I of 1865 or section 38 of this Act, and to all trees, brushwood, jungle or other natural product, wherever growing, except in so far as the same may be the property of individuals or of aggregates of individuals capable of holding property, vest in the State Government; and such trees, brushwood, jungle or other natural product shall be preserved or disposed of in such manner as the State Government may from time to time direct.

ROAD-SIDE TREES

42. All road side trees which have been planted and reared by, or under the orders of, or at the expense of the Government, and all trees which have been planted and reared at the expense of Local Funds by the side of any road, which vests in the Government, vest in the Government. But in the event of such trees dying, or being blown down, or being cut down by order of the Collector, the timber shall become the property of the holder of the land in which they were growing; and the usufruct, including the loppings of such trees, shall also vest in the said holder; provided that the trees shall not be lopped except under the orders of the Collector.

RECOVERY OF VALUE OF TREES, ETC., UNAUTHORISEDLY APPROPRIATED

43. Any person who shall unauthorisedly fell and appropriate any tree or any portion thereof or remove from his holdings any other natural product whether of the like description or not which is the property of Government, shall be liable to the Government for the value thereof, which shall be recoverable from him as an arrear of land revenue, in addition to any penalty to which he may be liable under the provisions of this Act for the occupation of the land or otherwise; and notwithstanding any criminal proceedings which may be instituted against him in respect of his said appropriation of Government property.

The decision of the Collector as to the value of any such tree, or portion thereof, or other natural product, shall be conclusive.

REGULATION OF SUPPLY OF FIREWOOD AND TIMBER FOR DOMESTIC OR OTHER PURPOSES

44. In villages or lands in which the rights of the Government to trees have been reserved under section 40 subject to certain privileges of the villagers or of certain classes of persons to cut firewood or timber for domestic or other purposes, and in lands which have been set apart under Section 38 for forest reserves subject to such privileges and in all other cases= in which such privileges exist in respect of any alienated land, the exercise of the said privilege shall be regulated by rules to be from time to time, either generally or in any particular instance, prescribed by the Collector or by such other officer as the State Government may direct. In any case of dispute as to the mode or time of exercising any such privileges the decision of the Collector or of such other officer shall be conclusive.

BOMBAY LAND REVENUE RULES 1921

* * * * * *

CHAPTER VIII:

Trees and Forest Rights

GENERAL RESERVATION

58. The extent to which the right of the Crown to trees is generally conceded to occupants under the third paragraph of Section 40 shall be specified in the notification issued under Rule 19-G. The said general concession will ordinarily extend to all trees, except the following:-

(a) all road-side trees planted by or under the orders of Government;

(b) teak, blackwood and sandalwood;

(c) trees, the produce of which has hitherto been disposed of by the Provincial Government;

Provided that whenever any land is disposed of after the first introduction of a settlement of land revenue, such trees shall also be disposed of under section 62;

(d) any trees specially reserved in the terms of the grant of the land.

SPECIAL RESERVATIONS

59. Trees in groves, trees round temples or places of encampment declared to be such by the Collector, and trees other than teak, blackwood or sandalwood, which for any reason are of special value or utility, shall be specially reserved at the settlement and entries to that effect made in the Settlement records.

DISPOSAL OF TREES ON OCCUPIED LANDS

60. (1) Subject to the provisions of Rule 63 the disposal of trees on land occupied or being given out for occupation shall be regulated by the following sub-rules:-

(2) Of the trees to which the rights of the Crown are reserved, such number or kinds as the Provincial Government may from time to time direct will be at the disposal of the Forest Department. Lists shall be kept for all occupied numbers, over the trees in which the Forest Department has any control or lien; the clearing of these numbers by the Forest Department shall be arranged in concert with the Collector, and every number when cleared shall be recorded as exempt from all interference in the future on the part of the Forest Department. In districts, where there is no Forest Officer, these functions will be discharged by the Collector alone.

(3) All other reserved trees shall be in charge of the Collector who may dispose of the same or of their produce as he may deem fit, subject to the general rules for the disposal of property of the Crown.

(4) In talukas in which the demarcation of forest has been completed, when any unoccupied land containing jungle or valuable trees which have not been included in any forest reserve is granted to any person for cultivation the Collector may offer the trees, or such of the trees as he may see fit, to the occupant. If such person agrees to purchase the same, the value shall be recovered from him by the Collector and credited as land revenue. If the occupant refuses to buy under this sub-rule or sub-rule (3) then the Forest Department should clear the land of trees.

(5) In talukas in which the demarcation of forest reserves has not been completed, the Collector may, if he thinks fit, consult the Conservator of Forests before any land containing jungle or valuable trees is granted; and if any such land is granted to any person the provisions of sub-rule (4) shall apply; in no case shall land be granted which is likely to be required for forests.

61. Whenever the right to unreserved trees in any land is at the disposal of the Provincial Government simultaneously with such lands all such trees shall invariably be disposed of to the same person who acquires the holding and not to any other person.

62. When the right of the Crown to the trees in a holding has been once disposed of to the occupant, or when all the reserved trees have been once cut and removed either -

(a) at the grant of the land, or

(b) after such grant, or

(c) within five years before such grant,

the Crown will have no further claim to trees which may afterwards grow in the holding, or which may spring up from the old roots or stumps, so long as the land continues in occupation.

EXCEPTION OF RESERVED TREES IN VARKAS AND BETA LANDS IN CERTAIN DISTRICT FROM RULES 60-62

63. (1) Nothing in rules 60 to 62 inclusive shall be deemed to apply to varkas lands in the districts of Thana, Kolaba and Ratnagiri, and beta lands in the district of Kanara, or to any land in the Dindori Taluka or the Peth Taluka of the Nasik District or to any land on the banks of streams and nalas in the Godhra Taluka of the Panch Mahals District, or to any riverside jambul trees growing in occupied lands on the banks of the rivers Mula, Pravara, Mhais and Mhalungi in the Parner, Rahuri, Sangamner and Akola Talukas of the Ahmednagar District or (pending the completion of the acquisition of the all occupied lands within the sanctioned demarcation limits of the forest in the Haveli, Purundhar and Junnar Taluka and the Ambegaon Petha of Poona District) and to any teak trees in such unalienated land.

(2) In the said lands the trees on which the rights of the Crown are reserved shall be available for cuttings to be made from time to time by or under the orders of the Forest Department, in consultation with the Collector.

(3) The sale of any such tree or of the timber thereof will confer no right to the after-growth from the root or stump of the tree so cut. The reservation of the rights of the Crown over the trees will extend to all such after-growth also.

61 77

Appendix F. G.—1]

SUBJECT Note on Sandalwood

Diary No. of letter replied to .....

Mysore Government Secretariat.

( )

the 195 .

Date of issue.....

Signed by.....

Issued 21.8.57

List of enclosures .....

Copied by.....

Examined by .....

Section

File No.

Serial No.

No. AFD 25 SDL.57 dt. 21.8.57

To

The Divisional commissioners

1) Bangalore

2) mysore

3) Belgaum

4) Gulberga

Sir,

I am desired to invite your attention to this office letter No AFD 25 SDL 57 d 5-7-57 on the subject noted above and to request you to send immediately copies of the rules called for therein as a meeting has to be convened in this behalf.

WD-05447-GPB—P.Z.S.L.—90,000-21-8-56.

62 79

OFFICE OF THE DIVISIONAL FOREST OFFICER
GULBARGA

No. Dated

17 AUG 1957

MYSORE GOVERNMENT SECRETARIAT
NO. 7954
7 AUG 1957
ANIMAL HUSBANDARY & FOREST BRANCH

To

The Divisional Commissioner,
Gulbarga.

Sub:Note on Sandalwood.

Ref:Your L.No.5032/594/Co-or/ D3 D/15-7-57

Sir,

With reference to above subject, I have to state that Sandal is not a Royal tree. Sandal trees are found in a small quantity only in some scattered parts of Chincholi & Yadgir Ranges, which are in pole size. Being pole & in a very little quantity they are not useful, hence they are not auctioned in open auction. Contractors of Timber coupes are strictly prohibited to fell these trees. Sandal is also found in Patta lands. The forest department does not have power to control its exploitation except that it issue transit permits only.

Yours faithfully,

No. 3180 D7 13-8-57 sd/-

Divisional Forest Officer,

Copy forwarded for information to:-

1) The Conservator of Forests, Bellary Circle, Bellary, with reference to his letter No.M.205/567/57-58 & dated 29-7-1957.
2) The Chief Conservator of Forests, Govt. of Mysore Bangalore with reference to his letter No.A2.GC.1258 57-58 dated 24-7-57.
3) The Secretary to Government Agriculture and Forest Department Bangalore with reference to his letter No.AFD.25 GDL.57 dated 5-7-57.

MAK/-

Divisional Forest Officer

63 81

No.A[illegible].PR.9-C.355/57-58.

Encl. 4

Office of the DivisionalCommissioner,
Mysore Division,
Mysore, dated the 27th August, 1957.

SECRETARY TO GOVT. No. 8626 30 AUG 1957 HOME, FOREST & AGRICULTURE

The Secretary to the Government of Mysore,
Agriculture and Forest Department,
BANGALORE.

MYSORE GOVERNMENT SECRETARIAT NO. - 2 SEP 1957 ANIMAL HUSBANDRY & FOREST BRANCH

Sir,

Sub: Note on Sandalwood rights, extraction, transport etc.

With reference to your letter ~~xxxx~~ No. AFD.25.5 ~~dated~~ D.2.57 dated 5-7-57 addressed to the Chief Conservator of Forests in Mysore, Bangalore and copied to this office and subsequent reminder of even number dated 21-8-57, on the above subject, I enclose herewith a copy of letter No. C1.N.Dis.55~~7~~/57-58 dated 3-8-57 of the Deputy Commissioner, Coorg and of its enclosures namely the relevant extracts (pertaining to "sandalwood") from the Coorg Land Revenue Regulation, 1899 and the rules issued thereunder.

The Collector, South Kanara District has not so far furnished the information. He has been been reminded on 20-8-57 and again to-day to expedite the report called for.

Yours faithfully,

(S. MURIGHENDRA SWAMY)
for DIVISIONAL COMMISSIONER.

27/8

SSN.

NO.C.1.N.Dis.557/57-58. Office of the Deputy Commissioner,
Coorg, Mercara, the 3rd August 1957.

From - The Deputy Commissioner,
Coorg District, Mercara.

To - The Divisional Commissioner,
Mysore Division, Mysore.

SUBJECT:- NOTE ON SANDALWOOD RIGHTS EXTRACTION, TRANSPORT ETC.

.....

Sir,

With reference to your letter No. A.10-PR-9/56-57, dated the 18th July 1957, on the above subject, I enclose herewith a note together with the relevant extracts from the Coorg Land and Revenue Regulation, 1899 and the rules issued thereunder.

Yours faithfully,

DEPUTY COMMISSIONER.

KBM/1-8.

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A note on the rights of the Government on sandalwood, extraction, transport, etc., in Coorg.

****

Sandal wood is available in the eastern and southern parts of Coorg. Under Section 47 of the Coorg Land and Revenue Regulation, 1899 (Extract enclosed) irrespective of the ownership of the land, sandal wood is a monopaly of the Government. The Government has the absolute right over it in the enjoyment and disposal of such right including extraction and transport.

The sandal bearing paisari lands are not usually granted to private persons. If the number of trees on the land is less, such land is granted subject to the condition that the owner should protect the sandal trees with their host trees. An undertaking to that effect is obtained from him.

In the case of sandal extracted from private lands, the owner is paid bonus according to the rules. An extract from rule 83 to 89 of R.R. is enclosed for reference.

The sandalwood is extracted by the Forest Department according to their working plan. After general survey of all sandal bearing areas, in the district the area will be divided into four bits and each bit is taken in a year by rotation for extraction. Once in four years extraction will be taken up in a village in this manner. The sandalwood so extracted is dressed and sent to the Government Sandal Koti (Depot) at Kushalnagar which is in charge of a Deputy Ranger. Usually only dead sandal is extracted from Government land. It will be weighed and sorted according to size and quality and sold in auction every year.

In the case of the sandalwood extracted from private lands, the Government pays bonus to the owner of the land in accordance with the provisions of rule 88 R.R. after the said sandalwood is sold.

DEPUTY COMMISSIONER.

Extract of Section 47 of the Coorg Land and Revenue Regulation 1899.

.....

47. Rights of Government in mines, etc. (1) Unless it is otherwise expressly provided by the terms of any grant made, or of any other instrument of transfer executed, by the Government, the right to all mines, minerals and quarries and to all earth-oil and gold washings and sandalwood trees in all lands and to all subsoil rights in bane lands, and the right to take from all lands stones or material for repair of public roads, shall vest in the Government, and the Government shall have all the powers necessary for the proper enjoyment or disposal of such right.

(2) If for the purpose of the exercise of any of the rights referred to in this section, either by the Government or by any person acquiring such rights from the Government, any land in the holding or enjoyment of others is required, such land may be acquired in accordance with the provisions of the Land Acquisition Act, 1894, and whenever, in the exercise of any of the rights aforesaid any damage is caused to any landholder by the disturbance of the surface of such land, and such landholder and the Government are unable to agree as to the amount of compensation to be paid to the former in respect of such damage, the amount shall be determined in accordance with the said provisions.

.....

Revenue

Extract from rule 83 to 89 of Regulation.

.....

83. Grant of land containing sandal trees - No land containing sandal trees shall be granted, sold or leased for any purpose except after consultation with the Conservator of Forests nor without his concurrence, except by order of the Chief Commissioner.

84. Applications for lands containing five or more sandal trees per acre which in the opinion of the Conservator of Forests are likely to be valuable sandal-bearing areas, shall usually be rejected. Where an application for the grant or sale of land has been rejected under this rule, the Assistant Commissioner, in consultation with the Conservator of Forests, shall endeavour to find other suitable land in the neighbourhood which can be granted or sold to the applicant. Where such land cannot be found, the Conservator of Forests shall consider whether the sandal may not be removed, and the land then granted or sold. In the administration of this rule, the Assistant Commissioner and the Conservator of Forests will bear in mind the necessity of encouraging cultivation, while ensuring that there is no loss of legitimate Government revenue.

85. Property in sandal trees - The sandal trees growing at any time upon lands granted, sold or leased by Government upon any terms shall remain the property of Government. The holder shall take all reasonable precautions to preserve all such trees and to protect the host plants marked by the Forest Department. The assignee, purchaser or lessee of Government land shall be required to enter into an agreement to this effect before taking possession of the land.

86. Removal of sandal trees on private land - A Forest Officer authorised in this behalf may enter on any land and tend, uproot and remove any sandal trees growing on such lands. The land-owner shall be given a fortnight's notice in writing before a Forest Officer enters his lands in order to remove sandal trees growing on them.

87. In exceptional circumstances, on receipt of a representation that the preservation of sandal trees or their host plants interferes with cultivation, the Conservator of Forests may order the removal of sandal trees or their host plants growing on private lands. If the land concerned is a good sandal-bearing land the Assistant Commissioner may after consultation with the Conservator of Forests and with the agreement of the land holder, grant an equivalent portion of land in exchange for the land concerned.

88. (a) The unredeemed sandal trees removed from the private lands will be listed out, noting the girth and weight and other details after rough cleaning.

(b) On the above basis, the quantities and classes of final cleaned wood expected to be obtained from this will be estimated. After the sandalwood sale in which the consignment concerned is sold, the value of the sandalwood will be fixed. From this amount the cost of extraction, transport, supervision and other incidental charges as fixed by the Conservator of Forests, will be deducted, and half of the net amount will be paid as bonus to the party from whose land the sandalwood is extracted.

(c) The decision of the Conservator of Forests, as to the estimate of the quantity and class of the wood that will be obtained, the expenses to be charged, and the net amount to be paid, will be final.

Note:- (i) No bonus would be paid, if heart wood is not present in saleable quantity.

(ii) No bonus would be paid for any living tree removed at the owners' request.

(iii) No bonus would be paid for any tree which has been wilfully killed, or has died through culpable neglect.

(iv) In the case of lands acquired from Government, no bonus will be paid for any sandal tree removed from such land within a period of five years of such acquisition.

89. Redeemed sandal trees - The provisions of the above clauses do not apply to sandal trees redeemed prior to the issue of this notification. Such trees can only be sold to Government. Government will pay the owner of the land on which they stand, for trees sold to Government, a sum equal to the estimated net amount realised by the sale of the trees by Government or based on the average price obtained for all the sales during the year in which the wood was removed, less a royalty which shall be fixed from time to time by the Chief Commissioner, but which shall not exceed 25% of the value as calculated above. This sum will be determined by the Conservator of Forests subject to an appeal to the Chief Commissioner whose decision shall be final.

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69 Sub: Notes on Sandalwood rights
Extraction, transport etc 91

M. G. S. App. F. G. 3] DO AFD 25 SDR 57 (5.9.57)

MYSORE GOVERNMENT

SECRETARIAT.

By name

(Continuation sheet draft form).

To The Divisional Commissioner
of 1) Bangalore
2) Belgaum
3) Gulbarga

Dear Sir,

Issued
(5-9-57)

I am desired to invite your attention to this office letter No AFD 25 SDR 57 d 5-7-57 and the subsequent D.O. reminder of even no d 21-8-57 on the subject noted above and to request you to bestow your personal attention to the matter and to expedite the report called for therein without further delay as a meeting has to ~~be convened~~ been fixed in the chamber of the Minister for Agriculture urgently.

Yours
S

WD-05448-GPB—PZS—90,000-27-8-56.

4/9

70 93

GOVERNMENT OF MYSORE.

OFFICE OF THE DIVISIONAL COMMISSIONER
BANGALORE DIVISION,

No. C.10-1876/57-58.

Bangalore, Dated, 19th Sept, 1957.

To

The Secretary to the Government of Mysore,
Agriculture and Forest Department, Bangalore.

SECRETARY TO GOVERNMENT No. 25 SEP 1957 HOME FORESTS

MYSORE GOVERNMENT SECRETARIAT NO. 9665 25 SEP 1957 ANIMAL HUSBANDARY & FOREST BRANCH

Sir,

Subject:- Note on Sandalwood.

References:- Your letter No.AFD.25 SDL 57 dated 5-7-1957 addressed to the Chief Conservator of Forests in Mysore, Bangalore and a copy forwarded to this office.

2. Deputy Secretary's D.O. Letter No.AFD 25 SDL 57 dated 5-9-1957.

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I write to state that in the Old Mysore area except Bellary District Sandalwood is reserved to Government. The rules governing the disposal, movement etc., of Sandalwood are contained in the Sections 69 to 75 of the Mysore Forest Act and Chapter VIII of the Mysore Forest Manual and also in Paras 9 and 10 (page 29) of the Rules under the Mysore Land Revenue Code.

2. The Deputy Commissioner, Bellary District, has not furnished the rules in force in Bellary District till now. He has been reminded today. Soon after the receipt of the information from the Deputy Commissioner, further reply will be sent to Government in the matter.

Yours faithfully,

(C.B.D'Mello)
For Divisional Commissioner.

mrr)

71 75

OFFICE OF THE DIVISIONAL COMMISSIONER,
BANGALORE DIVISION.

No. C.10.1876/57-58.

Dated, Bangalore, 28th September 1957.

To (Copies of Rules (11 sheets))

The Secretary to the Government,
Agriculture and Forest Departments,
Bangalore.

MYSORE GOVT. SECRETARIAT
No. 10131
OCT 1957
ANIMAL HUSBANDARY & FOREST BRANCH

SECRETARY TO GOVT.
No.
7 OCT 1957
HOME, FOREST & AGRICULTURE

Sir,

Subject:- Note on Sandalwood -

In continuation of this Office letter of even number dated 20th September 1957 on the above subject, I forward herewith a copy of letter No. L.Dis.6178/57 dated 6-8-1957, together with copies of Rules in force in Bellary and Sandur regarding Sandalwood rights, etc., received from the Deputy Commissioner, Bellary District, with his letter No. L.Dis.8204/57 dated 24-9-1957.

Yours faithfully,

For Divisional Commissioner.

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7/10/11

Letter No. L.Dis.6178/57 dated 6-8-1957 of the Deputy Commissioner, Bellary, addressed to the Divisional Commissioner, Bangalore Division, Bangalore.

Subject:- Trees - Sandalwood - Rules regarding rights - Extraction - Transport and sale -

Reference:-

Your Memo No. C.10.P.R.47-C.1876/57-58 -- dated 12-7-1957.

With reference to your Memo cited, I write to state that the Government have in their notification No. A.F. 13685/Ft.74-55-2 dated 31-3-1956 extended to Bellary District, the Mysore Forest Act 1900, except Sections 69 to 75. These excepted Sections deal with sandalwood trees on Inam lands, sandalwood rights, etc. Hence the "Sandalwood - - Transit Rules", framed underSections 35 and 36 of the Madras Forest Act 1882 and contained in the Madras Forest Manual are in force in this District. I enclose an extract of the rules.

2. According to the instructions in B.S.O. 15; the ownership of all sandal wood trees on lands at the disposal of Government are exclusively State property and at the time of assignment of land, the right of Government is reserved on the trees existing and those that may grow subsequently subject to the conditions specified below:-

(i) That the Government reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of assignment (which are described in the schedule attached) as well as those which may grow subsequently on the lands granted and the Government shall be at liberty to cut or dig out any such trees or their -- roots and branches and remove them from the land in question and dispose of them at their pleasure. The assignee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the District.

(ii) that the assignee shall take all reasonable - - - measures to the satisfaction of the Collector of the District for the protection of the sandalwood trees from theft

p.t.o

theft or damage and for the careful protection of the immature trees growing on the land.

(iii) that the assignee shall take steps to see that the marks made by the Officers of the Government on sandalwood trees are preserved and are not tampered with.

3. The following are the rules in force at present in Sandur regarding the right over sandalwood trees, their extraction, transport and sale:-

i. Sandal Transit Rules in the Madras Forest Manual, referred to in paragraph 1 above.

ii. Rules contained in the Sandur Inams Regulations 1937.

iii. Provisions in the Merger Agreement entered into by the Central Government on 1-4-1949 with the Ruler of Sandur and the rights of the Raja over sandalwood trees on his private estates.

The erstwhile Sandur State merged with Madras State on 1-4-1949. Upto 2-8-1949, i.e., till the introduction of the Madras Forest Act 1882, the Sandur Forest Act was in force in the State. An extract from the Sandur Forest Act and from the Sandur Inams Regulation 1937(which is still in force) is enclosed for reference. According to Note I under Rule 12 of the Inams Regulation, the rights over sandalwood in all inam and jagir lands belong to the State. A copy of the Merger Agreement dated 1-4-1949 is enclosed.

Regarding the rights of the Raja over sandalwood, I enclose copies of letters No. Ch.S.2174 dated 19-3-1955 and No. Ch.S.10618 dated 10-9-1955 received from the Chief Secretary to Government for reference.

"Copy"

For Divisional Commissioner.

Extract from the Madras Forest Manual (General Rules for the management of Reserved and Unreserved lads (i.e) Rules under Section 26 of the Madras Forest Act.

In supression of the rules published in Notification, dated 21st January 1890.No.74,published at pages 119 to 122 of Part I of the Fort St.George Gazette,dated 11 February of 1890, the Government of Madras are hereby pleased to make the following rules, under Section 26 of the Madras Forest Act (V of 1882) for the regulation of the use of the pasturage and of the natural produce of lands at the disposal of Government and not included in a reserved forest or within the limits of a Municipaility. Provided however, that they shall apply to all sholas, plantations and reserves now existing within any such municipal limits.

These rules shall apply to all districts except that of Madras and the scheduled districts.

1 Subject to all rights now legally vested in individuals and communities, the use of the pasturage and of the natural produce of land at the disposal of Government and not included in a reserved forest shall be regulated by the following rules.

2 Land at the disposal of Government may for the purpose of these rules, be classed as follows:

(a) Land of which the Government has acquired the ownership or possession by purchase, lease or otherwise.

(b) Assessed but unoccupied land.

(c) Unassessed and unoccupied land.

3. "Reserved land" includes all land notified under section 4 of the Forest Act and any areas specially declared by the Collector to be reserved land in the manner prescribed in rule 5.

"Unreserved land" for the purpose of these rules means, land at the disposal of Government, which land is not "reserved land" nor is under the control of local bodies or any department of Government other than the Revenue Department.

4. Trees of the various species shown in the subjoined table are "Reserved trees" wherever found, whether on reserved or unreserved lands. Such of the remaining trees as it is considered desireable to conserve will be divided into classes in accordance with the local requirements of the several districts, and lists of such trees and the seigniorage to be charged thereon will be published from time to time, under the sanction of the Government of Madras, in the Fort St.George and District Gazettes. These trees will be called "classified trees" and any trees not included in the lists published, as prescribed above, or in the schedule of reserved trees, will be called "unclassified trees." The Collector may, with the concurrence of the Conservator of Forests, transfer any "reserved tree" to the list of "classified trees" prescribed for his district, if he considers that the local requirements do not for that particular species necessitate the strict conservation consequent upon its inclusion in the list of reserved trees. :-

LIST OF RESERVED TREES:

Botanical name	English name	Tamil name	Telugu name	Kanarese name.
1. Tectona grandis	Teak	Teku	Teka	Saguvani
2. Santalum album	Sandal	Santha-nam	Chantha-nam.	Gandha.

- -

True extract.

For Deputy Commissioner.

22853

SANDALWOOD TRANSIT RULES FOR THE DISTRICTS OF ANANTAPUR, BELLARY, CHITTOOR, NORTH ARCOT, SALEM, SOUTH ARCOT, TRICHINOPOLY, MADURA, TINNEVELLY, RAMNAD, COIMBATORE, THE NILGIRIS AND SOUTH KANARA.

***

In ~~ee~~ exercise of the powers conferred by Sections 35 and 36 of the Madras Forest Act, 1882 (Madras Act V of 1882), and in supersession of all notifications on the subject published previously, the Government of Madras are hereby pleased to make the following rules to regulate the transit of Sandalwood in the revenue districts specified in the annexure to these rules:-

Rules to regulate the Transport of Sandalwood.

1. Definition: In these rules, the term, "Sandalwood" includes sandalwood dust and chips.

2. Routes for import and export:- No person shall import sandalwood into, export Sandalwood from, any of the Revenue districts or group of districts specified in the annexure to these rules except by the routes specified in Schedule A under the respective district or group of Districts.

3. Conditions for import, export and movement:- No person shall import sandalwood into, or export sandalwood from, or move sandalwood within, the area specified in rule 2 unless such sandalwood is accompanied either by the permit prescribed by rule 5 or the way permit prescribed by ~~route~~ rule 7 and unless such sandalwood bears the mark of the Government of origin as provided in rule 9 or the property mark in respect of such sandalwood has been duly registered in adcordance with that rule.

4. Additional condition for import or movement into certain towns or stations: No person shall import or move Sandalwood into any of the towns or stations specified in Schedule B under each district or group of districts unless such sandalwood is also reported for examination at the appropriate checking stations specified in that Schedule.

5. Form of permits:- In the case of Sandalwood purchased from Government lands and ~~deposi~~ depots in each district or group of districts the permit shall be in form I and shall be printed.

(ii) In the case of Sandalwood purchased at the Government sales in Mysore, Travancore, Sandur, Coorg and British Territory and imported into the area specified in rule 2, the permit shall be that issued by the Government of administration responsible for the sales and such permit shall be valid only for transport to the destination specified therein.

(iii) In the case of imported sandalwood other than that referred to in sub-rule (ii), the permit shall be in Form II and shall be printed. It shall be supplied free of cost, on application, by the District Forest Officer having jurisdiction. No form of permit other than that supplied by the District Forest Officer shall be used.

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(iv) In the case of subsequent movement of imported sandal-wood and of the transport of all local Sandalwood other than that for which form I is prescribed, a printed permit in Form II shall be used. It shall be supplied free of cost on application, by the District Forest Officer having jurisdiction. No form of permit other than that supplied by the District Forest Officer shall be used.

6. Issue of permits: Permits in form I shall be in triplicate and shall have all parts filled up by the District Forest Officer or an officer duly authorized by him. The District Forest Officer or the officer so authorised as the case may be shall hand over the original to the purchaser, send the duplicate to the Range Officer, and retain the triplicate as counterfoil for record in his office.

(ii) Permits in form II shall be in triplicate and shall have all parts filled up by the person disposing of the sandalwood or his authorized agent; the original shall be handed over to the person authorised to remove the sandalwood, the duplicate shall be forwarded by post or by messenger to the the District Forest Officer having jurisdiction by the person issuing the permit s who shall retain custody of the sandal-wood in his store or on his land for purposes of check for a period not exceeding fifteen days from the date on which the duplicate was posted to the District Forest Officer or delivered to him by messenger, as the case may be. The triplicate of the e permit shall be retained by the person issuing the permit for not less than six months from the date of issue of the original of the permit and shall be produced for inspection at any time within that period on demand by any Forest Officer not below the rank of Forester.

7. Check of permits:- ~~S~~ All Sandalwood in transit shall be produced for examination at the first checking station on the authorised route between the hours of 6 a.m. and 6 p.m. and if such sandalwood arrives at the first checking station after 6 P.M., the Officer in charge of the checking station may detain it till 6 a.m. following, for examination.

The Officer in charge of the checking station shall after satisfying himself that the sandalwood actually comes from the locality and is of the kind stated in the foreign Government permit or the permit in Form I or II, as the case may be, and is not in excess of the quantity specified therein, retain such permit and give in exchange therefor a way permit in form III as hereinafter provided. If the officer in charge of the checking station is not so satisfied and refuses to grant the way permit ~~shall~~ he shall detain the sandalwood and the foreign Government permit or the permit in form I or II, as the case may be, and report the case for the orders of the Distirct Forest Officer having jurisdiction, ~~station~~ stating clearly his reasons for the action taken.

The quantity of sandalwood under transit shall not be greater than that entered in the permit and if it is less, the same permit shall not be used again to cover the deficiency.

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The way permit in form III shall be in duplicate; the original shall be given in exhhange for the foreign Government permit or the permit in form I or II, as the case may be and the duplicate shall be retained by the officer in charge of the checking station.

The way permit shall protect such sandalwood along the route to its destination and shall be produced and endorsed ~~t~~ at all subsequent checking stations on that route:

8. Production of permit at the checkingstation:-

The foreign Government permit, the permit In form I or II or the way permit in form III, as the case may be, shall, in the case of imported sandalwood and sandalwood, for export, be produced with the sandalwood for examination at any station which may be notified from time to time by the Collector concerned in the district gazette as a checking station and past which the sandalwood may be taken. In the case of sandalwood in transit, such permit shall be produced anywhere within the limits of the area specified in rule 2, when demanded by any Revenue, Forest or Police officer and at the ~~chek~~ checking station~~x~~ nearest to the locality of felling and at all subsequent checking stations notified from time to time by the Collector concerned in the District gazette and past which the sandalwood is taken.

No person shall take any sandalwood off, or pass it from, any road on which a checking station has been placed with intent to evade the production of the sandalwood at a checking station

9. Use and registration of property marks:-(i) All Sandalwood imported from the Bombay Presidency, Mysore, Travancore, Sandur and Coorg and all Government sandalwood disposed of locally shall bear the mark of the Government of origin in the following manner:

> Every piece of sandalwood shall bear its own Government mark and in the case of chips and saw dust carried in bags, the latter shall be closed and the fastening sealed with the above mark.

(ii) All other sandalwood imported into, or exported from, or moved within, the areas specified in rule 3 shall be similarly indicated by a property mark affixed in the manner provided in sub-rule (i).

All such property marks ahll be registerd at a District Forest Office:

(a) in accordance with the provision of sub-rule (iii), if the marks relate to sandalwood extracted from private lands within the said areas; and

(b) in accordance with the provisions of sub-rule (iv), if the marks relate to sandalwood other than that extracted from private lands within the said areas.

(iii) (a) (1) Every application for the registration of a property mark in respect of sandalwood extracted from private lands within the areas specified in rule 3 shall be accompanied by a statement in Form IV in which all the particulars therein prescribed shall be furnished to the District Forest Officer concerned and also by six facsimiles of the mark proposed. The form shall be supplied free of cost, on application, by the District Forest Officer. No form other than that supplied by the District Forest Officer shall be used.

(2) Each uprooted tree, bearing heartwood, shall be cleaned up to its heartwood limit, after leaving uncut a ring of bark and sapwood, 2 to 3 inches wide, at breast height of the tree from ground level before it was uprooted. The girth, in iches, over this ring of bark shall be recorded in the statement in form IV.

(3) Every tree so uprooted and cleaned shall bear its distinctive serial number which shall be written legibly in tar anywhere on its if it has been cut up into stem and rootwood separately. Where the tree has been cut up into billets and roots, all parts of each such tree so cut up shall bear, at their cut ends, the original serial number assigned to that tree, so as to admit of identification and check later by the District Forest Officer or by his subordinate.

(4) The exact situation of the land whence each of the heartwood- containing trees was extracted shall be indicated on the ground by a stout numbered peg which shall be well driven home in the pit formed in the process of uprootal, the number on the peg being the same as that written on the wood concerned. These pegs shall be retained until such time as the District Forest Officer or his subordinate checks the sandalwood and verifies the locality of felling.

(5) The heartwood obtained from each of the uprooted trees shall thereafter be weighed and the result recorded in the statement in Form IV, indicating in it at the same time the number of root and stem wood pieces obtained from each such tree, with an abstract in the remarks column showing the total number of trees extracted and cleaned, their total outturn expressed in number of pieces (roots and billets separately) and the aggregate of all pieces in respect of which the registration of property mark is desired.

(6) After the application, with the statement in Form IV containing all the particulars therein prescribed, is received, the District Forest Officer or an Officer subordinate to the District Forest Officer who is authorised by him in that behalf shall, as soon as possible, inspect the locality of extraction and indentify the sandalwood by verifying the girth and assembling all the parts of each tree and satisfy himself about the accuracy of the details furnished by the applicant and thereafter mark all the sandalwood with the district pass hammer. If the result of such inspection is satisfactory, the District Forest Officer shall, subject to the provisions of clause (b) of this sub-rule, grant a certificate of registration in Form V with as little delay as possible.

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12. Special facilities for companies and persons engaged in the distillation of sandalwood: The District Forest Officer may in his discretion include the name of any company or person engaged in the distillation of sandalwood in an approved list to be maintained by him and he may also in his discretion remove the name of any company or person from such list. In respect of any bye-product of manufacture such as baloon dust, toilet powder and spent powder, the District Forest Officer may by a written order exempt any company or person whose name is included in the approved list from the provisions of sub-rule (ii) of rule 6 in so far as it relates to the retention of sandalwood in custody for purposes of check and from the provisions of caluses (2) and (3), sub-rule (iv) of rule 9 and may cancel any such order.

13. Penalties:- Whoever infriges any of the provisions of these rules shall be punished with imprisonment which may extend to one month or with fine which may extend to two hundred rupees or with both:

ANNEXURE

(Referred to in Preamble)

1. The revenue Districts of Anantapur and Bellary.

x x x

SCHEDULE
(Referred to in in rules 2 and 4)
1.DISTRICTS OF ANANTAPUR AND BELLARY.
SCHEDULE-A.
(Referred to in rule 2)

Showing the authorised routes along which sandalwood may be exported from, or imported into, the revenue district of Anantapur and Bellary:

x x x

Revenue District of Bellary:

1. M.S.M. Railway from Guntakal to Raichur.
2. -do- Guntakal to Gadag.
3. -do- Hospet to Kottur;
4. -do- Hospet to Somihalli.
5. -do- Bellary to Rayadrug.
6. Road from Bellary to Kudligi;
7. -do- Adoni via Alur.
8. -do- Hospet via Kudathini.
9. Road from Hospet to Kudligi and thence Kottur and Harapanahalli.
10. -do- Kampli via Kamalapuram.
11. -do- Ramandrug.
12. Road from Kampli to Kudathini;
13. Road from Kudligi to Mysore frontier;
14. Road from Hospet to Harpanahalli and thence to Teligi;
15. -do- Gooty road; Hampasagaram and Hirehadagalli;
16. Road from Bellary to Rayadrug;
17. -do- Gooty Road;
18. -do- Siruguppa;
19. Road from Adoni to Yemmiganur;
20. -do- Siruguppa;

(b) The District Forest Officer or any officer authorised by him may require from any person, either when presenting a property mark for registration or at any subsequent time, information as to source or origin and the quantity of sandalwood, period of felling, agency, routes, depots of destination and ~~shall~~ other details regarding his method of felling, trading or working as the District Forest Officer may think necessary. The District Forest Officer may refuse registration and may cancel the registration of any property mark if the ~~the~~ information required is not given, or if he considers that such property mark cannot easily be distinguished from a Government mark or from a property mark used by another person, or if he has reason to believe that the person using the property mark is or has been concerned in any illegal practice with regard to sandalwood or for any other good and sufficient reason. The reason for such refusal or cancellation shall in every case be placed upon record by the District Forest Officer and submitted for the approval of the Collector.

(iv) (1) Every application for the registration of property mark in respect of sandalwood other than that extracted from private lands within the area specified in rule 3 shall be accompanied by six facsimiles of the mark proposed.

(2) After the receipt of the application, the District Forest Officer, or an Officer authorised by him in that behalf, shall ~~check~~ check such sandalwood and if the result of such checking is satisfactory, the District Forest Officer shall, subject to the provisions of caluse (b) of sub-rule (iii), grant a certificate of registration in Form V, with as ~~xxx~~ little delay as possible.

(3) All sandalwood in respect of which a property mark is registered under this sub-rule shall be marked with the District pass hammer by the District Forest Officer or by the an officer authorised by him to do so.

10. The date up to which, and the description and ~~gx~~ quantity of sandalwood for which registration of property mark has effect:- The registration and each renewal of registration of a property mark shall be valid only in respect of the description and quantity of the sandalwood w entered in Form V and be inforce only from the date of such registration or renewal until the first day of April following, unless otherwise stated.

11. Exemption of small quantities of sandal wood carried by bonafide traveller or cut by ryots e for their use: Nothing contained in these rules shall apply to:--

(a) Sandalwood not exceeding 20 lb. in weight carried by any bonafide traveller or under his authority for his own use, or

(b) Sandalwood cut and carried by a ryot for his own use from trees growing on the patta lands of the said ryot or of any neighbouring ryot from whom title to such sandalwood is derived and provided that he obtains a certificate of title from the village munsif and that the quantity cut and carried on each occasion does not exceed 12 lb. in weight.

~~13.-Penalties:---Whoever-i~~

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SCHEDULE 'B'

Bellary Revenue District:

Taluk	Town or Station	Checking station:
Hospet	Hospet	Range Office.
-do-	Tornagal	Tornagal Toll-gate.
Kudligi	Kudligi	Taluk office.
-do-	Kottur	Police Station;
	Gudekota	-do-
Do	Ujjini	-do-
	Chornur	-do-
Bellary	Bellary	Conservator's office;
Adoni	Adoni	Taluk office;
-do-	Yemmiganur	Deputy Tahsildar's office.
Siruguppa	Siruguppa	Taluk office;
Rayadrug	Rayadrug:	-do-

/True extract/

[illegible]

~~For Dy. Commissioner.~~

Extract from The SANDUR FOREST ACT, 1943:
(Act XII of 1943.

CHAPTER IX:

Supplementary Provisions:-

46 (1) All inamdars who, by the terms of their Sannads or by judicial decision; are entitled to the timber and Sandal wood in their inam Villages, may fell and sell without previous reference any such timber, excepting Sandal wood.

(2) The Sarkar may cause any sandal wood ~~grw~~ growing in such inam lands to be cut and sold ~~to~~ on behalf of the inamdars under such rules as may, from time to time, be made by the Sarkar.

47 (Inamdars who are not entitled by Sanads to the timber and Sandalwood growing in their inam lands may cut and sell all wood with the exception of teak and sandal growing on such lands.

48. No trees, wood or timber or other Forest produce shall be removed from inam lands without a pass, to be obtained under such rules as the Sarkar may, from time to time, make.

49. All Sandal trees in Sandur shall be the exclusive property of Sarkar, unless the same be ~~xxx~~ situated in an area in which the Sarkar may have expressly alienated its right to Sandal-wood

50.(1) Every occupant or holder of land shall be responsible for the due preservation of all Sandal trees growing thereon and shall in the event of an injury to any such tree from whatever cause, at once report such fact to the nearest Local Revenue Officer.

(2) Any occupant or holder who fails to report any such case of injury as aforesaid, or to prove to the satisfaction of a Revenue Officer not lower in rank than the Kamavisdar, that such injury was not caused either by his own act or by any neglect or default on his part, or by any other person at his instigation or with his connivance, shall, notwithstanding any other penalty to which he may be liable to pay the Sarkar such compensation on ~~ac~~ account of such injury as to such Revenue Officer, may seen reasonable.

51. In any case of a forest offence having reference to the cutting, uprooting or removal of, or damage to, a sandal tree or part of Sandal tree belonging to Sarkar, the maximum penalty to which the offender is liable under any other section of this Act shall be doubled.

52. No person shall sell or attempt to sell sandalwood or manufacture of distil or attempt to manufacture or distil oil from Sandalwood, or redistil refine or sell or attempt to redistil refine or sell oil extracted from Sandal-wood except under licence granted by such authority and subject to such restrictions, and conditions as Sarkar may from time to time prescribe in this behalf.

53. The Sarkar may make rules consistent with this Act

a) to declare by what Forest Officer, or ~~clause~~ class of Forest Officers, the powers or duties conferred or imposed ~~or~~ under this Act on a Forest Officer are to be exercised or performed;

b) for the preservation, re-production and disposal of forest produce belonging to Sarkar, but grown on lands belonging to or in the occupation of private persons;

c) to regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscation under this

83

Act from the Public Treasury, and

d) generally, to carry out the objects and purposes of this Act.

54. All rules made by the Sarkar, under this Act shall be publishe in the ~~And Adnya~~ Adnya Patrika, and shall thereupon have the force of Law.

55. Any person breaking any rule under this Act for the breach of which no speciall penalty is provided shall be liable on conviction to imprisonment for a term which may extend to one month, or fine which may extend or two hundred rupees or both.

56. All money, other than fines, payable to the Sarkar under this Act, or under any rule made thereunder, or an account of the price of any forest produce, or of expenses incurred in the execution of this Act in respect of such forest produce, may, if not paid when due, be recovered under the Law for the time being in force, as if it were an arrear of land revenue.

True extract

Hosing mg

for Deputy Commissioner, Bellary.

2857

Extract from the SANDUR INAMS REGULATION, 1937:

. . . . . .

. . . . . .

12. In the case of all Existing or old Sanads of proved authenticity, new Sanads will be given in the prescribed form:- Note: (1) In the case of the renewal of old Sanads, where the expression 'with water, trees, grass, wood & c' do occur in the old Sanads, in the new Sanad the right to the income from forest ~~work~~ Exclusive of sandalwood (being Royal tree) and "Babs" on stone sand & c will be expressly declared to belong to the Inamdar. As regards mines and all underground resources, they shall always be considered as the right of the State.

Explanation 1:- No charge shall be made by the Inamdar on the material (Stone, Sand & c) required for State use for purposes of roads, buildings, Government Railways & c.

Explanation II: If the Government decide to allow material to any outsider, that is, another State or British Government or private agency, free of royalty, the Inamdars will also be required to allow any material excavated from their Inams, under those circumstances, free of charge.

Note(ii) The old Sanads shall be recorded in the State records till the enquiry is complete, whereafter necessary orders shall be obtained for their disposal.

/True copy/

for Deputy Commissioner.

23.9.57

85/13

AGREEMENT MADE THIS first day of April, 1949 between the Governor-General of India and the Raja of

Sandur State:-

WHEREAS in the best interests of the State of Sandur as well as of the Dominion of India it is desirable to provide for the administration of said state by or under the authority of the Dominion Government.

It is hereby agreed as follows:-

ARTICLE: 1.

The Raja of Sandur state hereby ceds to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the Government of the State and agrees to transfer the administration of the Dominion Government on the 1st Day of April, 1949 (herein after referred to as the "said day")

As from the said day the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

ARTICLE: 2

The Raja of Sandur shall with effect from the said day be entitled to receive from the revenues of the State annualy for his privy purse the sum of Ninety Thousand rupees free of taxes. This amount is intended to cover all the expenses of the Ruler, and his family including expenses on account of ~~the~~ his personal staff, maintenance of his residence, marriages and other cremonies, etc., and will neither be increased nor reduced for any reason whatsoever.

The said sum may be drawn by the Raja in four equal instalments in advance at the beginning of each quarter by presenting bills at the State Treasury or at such other Treasury as may be specified by the Dominion Government.

ARTICLE: 3.

The Raja ~~of~~ shall be entitled to the full ownership, use enjoyment of all private properties (as distanct from State Property) belonging to him on the date of this agreement, and specified in the schedule hereunto appended.

ARTICLE: 4

The Raja, the Rani, the Rajmata, the Yuvraj and the Yuvrani shall be entitled to all personal privileges enjoyed by them whether within or outside the territories of the State, immediately before the 15th day of August, 1947.

ARTICLE 5

The Dominion Government guarantees the succession, according to law and custom to the gadi of the State and to the Raja's personal rights, privileges, dignities and titles.

In confirmation whereof Mullath Kydiggi Vellodi, Secretary to the Government of India in the Ministry of States, has appended his signature on behalf and with the authority of the Governor-General of India and Raja Shrimant Yeswantarao and Rao sahib, Hindu Rao, Ghorpade, Raja of Sandur State has appended his signature on behalf of himself, his heirs and successors.

/True copy/

for Deputy Commissioner.

Copy of Collateral letter dated 1st April 1949 of Ministry of States, New Delhi:

With reference to the agreement signed by you on the 1st April 1949 ceding to the Dominion Government, full and exclusive authority, jurisdiction and powers for and in relation to the Government of your State, I write to say that: -

(1) Your privy purpose of Rs. Ninety thousand which is provided for in the agreement signed by you is payable in perpetuity to you, your heirs and successors and will neither be increased nor reduced for any reason whatsoever. It will be free of all taxes whether imposed by the Government of any province or by the Government of India. Till the 31st March 1949 all amounts payable under the Palace (Civil Lists) Proclamation 1949 (III of 1948) will be paid to you from the provision made in the State Budget of 1948-49. The privy purse according to this agreement will come into force with effect from the 1st April 1949.

(2) Reference to the Ruler in Articles 2,3 and 4 include the heris and successors on the Gadi of the State. This is indeed the significance of the guarantee in Article 5 which expressly extends to succession to your personal rights, besides privileges, dignities and titles.

(3) The Ruler and his successors on the Gadi will continue to retain their hereditary distinctions, designations, titles and honours to which they were entitled prior to August 15,1947.

(4) The accumulated balances which will be transferred along with the State, shall as far as possible be spent for the benefit of the people of your State.

(5) The payment of a sum of Rs. 36,000 per annum to the State Temples Fund constituted by the Sandur Temples Proclamation 1948 (No.II of 1948) a copy of which is annexed, for the proper maintenance of the temples and institutions specified therein, will be continued. The Auditor of the accounts of the Funds will be carried out by an officer appointed by or under the authority of the Dominion Government

(6) The amounts given as loans to the State by you or the members of your family out of personal funds and the amounts invested by you (by them) in fixed deposits in Sandur State Treasury shall be returned to the depositor or lender on production of the Fixed Deposit Receipts and other receipt issued by the Sandur State Treasury. A schedule of the aforesaid amounts is annexed hereto.

(7) It is intended that permanent Members of the Public Services of Sandur State will be continued in service on conditions as near to these on which they were serving on 29th July 1948 as changed circumstances may permit. In the event of continuance in service not being possible in any case, reasonable compensation will be paid.

(8) Pensions, compassionate allowances and leave salaries sanctioned by competent authorities in the State before 29th July 1948 to permanent members of its public services who have retired or proceeded on leave preparatory to retirement will be continued. The Pensions sanctioned in your Huzur Order of 26th December 1948 as modified by the Government of India, will take effect from 1st April 1949.

(9) The Ruler of Sandur and his successors shall have exclusive shooting rights in the following areas, Ramgolla (Deogiri) Hathi Maradagolla (Ramgad) Plans No.3 and 7.

(1) All expenses (including legal fees and travelling and other charges) incurred in connection with the negotiations and finalisation of the agreement referred to in this letter, upto the State of such finalisation shall be paid from the State funds. The salary of Rs. 250/- per mensem payable to the Industrial Adviser upto 31st March 1949 shall also be paid from State funds.

(11) No enquiry shall be made nor shall any proceedings lie in any Court in India against you whether in a personal capacity or otherwise, in respect of anything done or omitted to be done by you or under your authority during the period of your administration of your State.

(12) Except with the previous sanction of the Government of India no proceedings, Civil or Criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duties as a servant of the State before the date of this agreement.

(13) Any dispute arising under this agreement shall be referred to the Government of India, whose decision shall be final.

(2) The contents of this letter will be regarded as part of the merger agreement entered into by you with the Governor-General of India.

True copy.

For Deputy Commissioner.

23/5/53

Copy of letter No. Ch.S. 21674 dt. 19th March '55 of the Chief Secretary to the Government of Mysore, Mysore Government Secretariat, Bangalore to the Huzur Secretary, to the Raja of Sandur and Copy sent to the Deputy Commissioner & Special Officer, Bellary district.

Subject: Misuse of privileges granted to the Ex-Ruler of Sandur by the Government of India.

With reference to correspondence ending with your letter No. H.S./Gov/4./55 dt. 21st February, 1955 on the above subject, I am directed to state that until the points raised by the President, Taluk Congress Committee, Sandur and the Vice-President Mysore Agricultural and Experimental Union, Sandur, in his petition dated 4th February, 1955, are settled by Government, no action whatsoever should be taken by the Raja of Sandur either to disafforest or to exploit the forest produce in any manner.

sd. N.Puttarangaswamy.
Chief Secretary to Government.

/True copy/

for Deputy Commissioner.

2. Copy of letter. No. Ch.S. 10618 dt. 10th September 1955 of the Chief Secretary to the Government of Mysore, addressed to the Huzur Secretary to the Raja of Sandur, Palace Road, Bangalore and Copied to the Special Officer and Deputy Commissioner, Bellary district, Bellary

Sir,

I am directed to state that this office letter No. Ch-S- 21674/ dt. 19th March, 1955 intimating you that no action whatsoever should be taken by the Raja of Sandur either to disafforest or to exploit the forest produce in any manner until the points raised by the President, Taluk Congress Committee, Sandur, and the Vice-President, Mysore Agricultural and Experimental Union, Sandur, in their petition dated 4-2-1955 are settled by Government, is withdrawn.

Yours faithfully,
sd. N. Puttarangaswamy,
Chief Secretary to Government.

/True copy/

for Deputy Commissioner.

Subject:-- Acquisitionof rights in Sandalwood.

MYSORE GOVERNMENT SECRETARIAT
NO. 9530
20 SEP 1957
ANIMAL HUSBANDARY & FOREST BRANCH

No.GB/F.O.R.S.R.35.

Belgaum,11.9.1957.

To

The Secretary to Government,
Agriculture and Forests Department,
Bangalore.

Sir,

Reference Government letter, Agriculture and Forests Department No.AFD.25 SDL.57, dated 3.7.57 addressed to the Chief Conservator of Forests and copy endorsed to this office and Government letter Agriculture and Forests Dept. No.even dated 21.8.57 on the above subject.

2. The existing Bombay Forest Rules, 1942 contain adequate provision to have complete control over the exploitation, movement and sale of sandalwood, so as to check its smuggling from the State lands. A detailed note on the subject received from the Collector of Kanara and a copy of the letter No.28/35/941 of 57-58 of 19.7.1957 from the Conservator of Forests, Belgaum Circle, Belgaum, are enclosed herewith for perusal. The Bombay Forest Rules and the Forest Act along with the various orders issued by the former Bombay Government have been published in the Bombay Forest Manual Volume III(Third revised Edition) and hence copies of the same have not been sent.

5

3. The object of the present Government reference quoted above is to find out the means by which complete control could be exercised by Government over the exploitation, movement and sale of sandalwood, whether belonging to Government or to private agencies so that smuggling of sandalwood from State lands is checked effectively. In order to see that this object

object is properly fulfilled, the second suggestion made by the Conservator of Forests Belgaum Circle in para 5 of his letter No.28/35/941, dated 19.7.57 may be accepted. According to this suggestion, sale of sandalwood to private dealers will have to be legally prohibited and it will have to be made legally incumbent on the private owners of sandalwood trees to sell their sandalwood only to the Forest Department on terms and conditions which may be on the lines of those given in para 4 of the above-quoted letter of the Conservator of Forests, Belgaum Circle. Suitable legislation towards this end will have to be undertaken.

4. The other alternative arrangement of the State proceeding to acquire the rights in all privately owned sandalwood trees would prove expensive and complicated and does not appear to be practicable.

Yours faithfully,

11/9

for Divisional Commissioner, Belgaum.

O.C. signed by
Commr.

asm.

NOTE ON SANDALWOOD

1. Section 76(c) of the Indian Forest Act 1927 provides that the Provincial Government may make rules for the preservation, reproduction and disposal of trees and timber reserved by Government but grown on lands belonging to or in the occupation of private persons. Accordingly, the ex-Bombay State Government have formed rules regulating preservation, protection and exploitation of reserved and other trees in occupied lands. (please vide rules 90-108 of Chapter VII of B.F.M. Vol.II). Under Rule 90 of B.F.Rules, sandalwood is reserved species. Rules 94(1), 100 to 104 are particularly applicable to sandalwood grown in occupied lands. Under article 25 of B.F.M. Vol.III, the right of Government over sandalwood trees outside forest can be decided and the Forest Department is allowed to dispose of sandalwood trees belonging to other Departments under article 27.

2. Under rule 100 of B.F.M. Vol.II, an occupant of the occupied land desiring to extract sandalwood trees from his malki holding shall apply to the Divisional Forest Officer, with all the necessary information such as locality where the sandalwood tree is standing, documents in respect thereof proving the applicant's title to the same etc. The Divisional Forest Officer after making such enquiry as he deems necessary regarding the applicant's title to the sandalwood trees, decides right over the same in accordance with article 23 and 25 of the B.F. Vol.III and issues the necessary permission if the trees are found to belong to the applicant. Rules 102, 103 and 104 prescribe

P.T.O.

the conditions to be observed by the applicant in extracting and converting the sandalwood. Transport of Sandalwood is governed by the Rules from 66 to 85 framed under section 41 of the I.F.Act 1927, Chapter VI of B.F.Vol. II.

If the sandalwood trees in occupied lands are found to belong to Government, they will be extracted departmentally and converted at the Government sandalwood depot and the resultant material sold annually by public auction if this is found economical. Otherwise they will be sold standing.

Karwar,
14-8-1957

(M.S.Shankara Rao)
Collector of Kanara.

Letter No.28/35/941, dated 19.7.57 from the Conservator of Forests, B.C.Belgaum, to the Chief Conservator of Forests, in Mysore, Bangalore.

Subject:-- Sandalwood: Note on...

Ref.- Your office D.O.No.A2-1258/57, dated 11.7.57

The rules regarding sandalwood rights, extraction transport and sale of sandalwood etc., in this Circle are given in Part II-B of the Bombay Forest Manual Vol.III(Third Revised Edition) under articles 20 to 27. In respect of Sandalwood trees in village sites in Kanara, reference is invited to article 50 in Part II-E. Similarly the following articles may kindly be referred to:-

For.	Article.
Trees in Inam lands in General.	62 to 70
--do-- service Inam lands.	78 to 86

2. Extraction of sandalwood in occupied lands is governed by the rules as indicated in the foregoing paragraph as amplified by rules 90 to 104 of B.F.M.VOL. II(Part II-A). The transport of forest produce including sandalwood trees from occupied lands is subject to the provisions of rules 66 to 76 and 78 to 89 of B.F.M.Vol. II. The note on the procurement working etc., of sandalwood in this Circle submitted under this office No.3566 of 21/22-3-1957 gives all the information on the subject in detail. Extraction of sandalwood trees from the State forests is governed by the prescriptions of the working plans sanctioned for the purpose, which lay down the number of sandalwood trees and stumps to be uprooted and transported to the depots, eveyy year. The sandalwood trees standing in the occupied lands in this Circle belong to Govt. unless the right over them is conceded to the owners at the time of settlement or at the time of grant of the land.

3. Under the present rules, there is every possibility of the private purchasers of sandalwood trees, or the owners thereof smuggling the sandalwood trees from the adjoining state forests stealthily, converting them and removing the fashioned resultant material along with their malki sandalwood. This sort of abuse on the part of the purchasers and owners of occupied lands is much seen in the rich sandalwood bearing areas of Dharwar and Belgaum divisions. There are however no facilities in this Circle of a chain of checking Nakas and adequate staff to exercise thorough checking of the sandalwood or for that matter of any forest produce in transit as in Madras State. Besides, it is also not possible even with any number of checking nakas and adequate staff to detect the smuggling of sandalwood as it can be converted into very small pieces that can be carried in convenient containers like gunny bags, casks, drums or tea chests which can be completely sealed. In these circumstances, so long as the sandalwood dealers are allowed to purchase sandalwood trees from the occupied lands and extract and convert them also, there shall always be the danger of smuggling of sandalwood from the State Forests.

4. The only effective way to eliminate or check the smuggling of Govt. sandalwood is to do away with the sandalwood dealers, who purchase the sandalwood trees from the owners for paltry amounts and make huge profits at the cost of the malki owners and Govt. sandal bearing areas. The owners of occupied lands should be made to sell their sandalwood trees to the Forest Dept. at reasobale prices to be fixed by Govt. from time to time in the light of the prevailing market rates or to permit the extraction and conversion of the trees by the Forest Dept. on the following conditions:--

(i) the actual expenses incurred by the Forest Dept. on the extraction, transport, conversion and other incidental charges shall be deducted from the sale proceeds;

(ii) from the balance of the total sale proceeds so arrived at, 25% shall be retained by the Forest Dept. as supervision charges and 75% shall be paid to the owners.

These can be done by a suitable legislation without which the owners cannot be prevented from selling their sandalwood trees to the private contractors. Concrete proposals submitted under this office No.28/24/2215 of 23.9.1955 copy supplied under No.14/414 of 21.5.1957 may kindly be ~~xxxxxx~~ perused in this connection.

5. The possibility of acquiring the rights in sandalwood in this Circle may also be considered and if that is not possible the question of doing away with the sandalwood dealers by making it incumbent on the owners, through proper legislation, to sell their sandalwood trees only to the Forest Dept. as described above may be considered.

6. As the rules mentioned above are in the printed Manuals the copies thereof are not supplied.

NOTE ON THE PROCUREMENT OF SANDALWOOD ETC. IN BELGAUM CIRCLE.

Sandalwood occurs mostly in the Forests of Dharwar and Belgaum districts and to some extent in the Forests of Bijapur district and Haliyal, Mundgod, Sirsi and Siddapur talukas of Kanara district. The saldalwood trees are extracted departmentally from the State Forests in accordance with the prescriptions of the sanctioned Working Plans. There are three sanctioned Working Plans for Sandalwood extraction, one covering the forests of Dharwar and Bijapur districts and of Haliyal and Mundgod talukasof Kanara district, another covering the forests of Belgaum district and the third one for the sandalwood areas in Sirsi, Siddapur talukas of Kanara district. The Working Plans lay down the number of sandalwood trees and stumps to be extracted annually to the Depot and the trees and the stumps to be uprooted and transported to the Depots are marked in advance by the subordinates of this Dept. and got uprooted and transported to a convenient Depot or Depots either departmentally or through the agency of piece workers where they are Kodlichalaved. The Kodlichalaved trees are transported to the Central Depots where they are converted into various classes of material for sale.

2. There are four sandalwood Depots in the Circle, one each at Dhar ar, Kakti, Belgaum and Khanapur. The Depot at Dharwar is the biggest of the four and it is known as the Central Saldalwood Depot, Dharwar. The sandalwood trees from the whole of Dharwar division, Bagalkot Sub-division, Haliyal Range in Ianara N.D., and Sirsi-Siddapur and Mundgod Ranges of Kanara E.D.are brough to Dharwar Central Sandalwood Depot for conversion into scented wood and classification and sale. Similary the sandalwood trees of Belgaum district are taken to Kakti, Belgaum and Khanapur Depots for final conversion, calssification and sale.

3. On receipt of the sandalwood trees in the Central Depots, the are classified into three girth classes and taken on the depot registers and their conversion i.e. Kodlichalaving(dressing of white chips if it is not done already in th local depots) and billetting, is carried out. Usually the billets are 3 ft. long. The billets and roots are numbered and given for dressing with "Bachi" and "Koita" and the finally finished scented wood is weighed and stacked according tothe Mysore classification which contains 18 classes. (Copy of the Mysore classification is attached.) The remnant material remaining after conversion of scented wood, is either sold in situ as a heap or converted into Hatri chilta of second sort i.e. collection of scented or partially scented chips from Milwa and treated as the lowest class material.

4. The whole stock of scented wood available at each of the Central Depots named above is sold annually in open auction. Usually sandalwood sales are held in April every year. The billets are mostly exported to Bombay and roots Cheria and saw dust are exported to South India. The Govt. Sandalwood is purchased by a few wholesalers like M/s Sorabji Noroji and Co., Govardhandas Tokersey, Bahadur and Boman of Bombay, Mettur Sandalwood Oil Co., of Mettur, East Indian Sandalwood Oil distilleries Kuppam, South Indian Industrial Works Kuppam etc. No retailers hage a chance to compete with the wholesalers. About 55 maunds of I class billets are reserved and given to local Artisans for carving purposes i.e. to Gudgars of Kanara at concessional rates.

5...

5. The quantity of sandalwood sold during the last two sales held in April 1955 and April 1956 in the Central Sandalwood Depot, Dharwar and the three Depots of Belgaum division is given below:--

April 1955 sales.

Depot.	Quantity. T.	Cwt.	Qr.	Lbs.	Amount realised Rs.
Dharwar.	194	2	0	16	6,18,874-10-1
Three Depots of Belgaum Dn.	44	12	0	5	1,43,329-0-2
Total	238	14	0	21	7,62,203-10-3

April 1956 sales.

Dharwar.	216	9	3	8	4,66,252-3-3
Three depots of Belgaum Dn.	54	3	3	21	1,45,067-12-0
Total	270	13	3	1	6,11,319-15-3

7. The quantities of sandalwood that are held in stock at present are not readily available. They are expected to be approximately 200 tons in Dharwar and 50 tons in the three Depots of Belgaum division.

8. The av rage rates per ton of scented sandalwood that were received in th sales held during the past three years in the Dharwar Central Sandalwood Depot and the three Depots of Belgaum Division together are given below:--

Depot.	Average rates per ton for 1954.	1955	1956
Dharwar.	2,295-0-8	3,722-6-9	3,523-10-3
Belgaum Kakti & Khanapur.	3,145-5-9	3,650-0-0	3,352-0-6

The rates received for the sandalwood of Belgaum division are some what lower than those received for that at Dharwar Depot and it is mainly due to the better quality of the sandal of Dharwar.

9. The sandalwood trees standing in the malki lands belong to Govt., unless the right over them is conceded to the owners at the time of settlement or at the time of grant of the land. Permission is given to the extractionof sandalwood trees standing in Malki lands after it is established that Govt. has no right over such trees. The purchasers of malki sandalwood trees are allowed to uproot them after they are marked by the officers of the Forest Dept. and a licence is issued by the Divisional Forest Officer for the purpse. They are required to be brough to a Govt. Depot for conversion under the supervision of the subordinates of this Dept. The purchasers are required to maintain detailed accounts of the sandalwood obtained from the conversion of each tree and material is allowed to be exported under cover of a pass issued by the Forest Officer. The billets are stamped with Govt.

Government stamps before they are allowed for export. The operations of Malki sandalwood extraction are rigidly controlled from the stage of marking of trees to the stage of export of the scented sandalwood, in order to ensure that Govt. sandalwood is not smuggled along with private sandalwood. The quantities of malki sandalwood prepared and exported by the Malki contractors is not readily available and will be reported in due course if required.

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asm.

130 AD AFD. 25. SDL. 57 9. 1. 11. 57. 98 130

Sub: Notes on Sandalwood ~~&~~ rights, extraction, transport etc

To The Divisional Commissioner (By name)
Mysore Division

Dear Sir,

I am ~~directed~~ desired to invite your attention to your letter No A10-PR. 9-C. 355/57-58 dt 27-8-57 on the subject noted above and to request to state whether the information has been received from the Collector, South Kanara. If received, please send the reply urgently. yrs

Yours
(By) A7

Issued
1-11-57

Appendix F. G.—11

SUBJECT. Notes on Sandalwood rights extraction, transport etc

Diary No. of letter replied to .....

Mysore Government Secretariat.

( )

the 195 .

Date of issue .....

Signed by ..... Issued 1.11.57

List of enclosures .....

Copied by .....

Examined by .....

Section

File No.

Serial No.

No. 200 · AFD 25 · SDK 57 7 · 1 · 11 · 57

To The Divisional Commissioner, Gulbarga Division (By name)

Dear Sir,

I am desired to invite your attention to this office letter No AFD 25 SDK 57 d 5-7-57 and the subsequent D.O. reminders given No d 5-9-57 on the subject notes above and to request you to bestow your personal attention to the matter and expedite the reply called for therein without further delay.

M.S.

P.T.O.

GOVERNMENT OF MYSORE.

OFFICE OF THE
DIVISIONAL COMMISSIONER
DIVISION GULBARGA.

No. 10688/594/CORR/04. Dated. 26-10 1957.

To

The Secretary to Govt.of Mysore,
Agriculture & Forest Departments,
B_A_N_G_A_L_O_R_E.

Sub :- Note on Sandalwood.

Ref :- Your letter No.AFD 25 SDL 57 dt.21-8-57.

.....

Sir,

With reference to the above cited letter, I have to inform that the required information has already been sent by the Divisional Forest Officer Gulbarga, direct to you vide his letter No.3177 - dated 13-8-1957, a copy of which is herewith enclosed for ready reference.

Yours faithfully,

(M.H. FAROKHI),
For Divisional Commissioner
Gulbarga.

Encl:-(one).

K.H.
22/10.

Copy of letter No.3177 dated 13-8-1957, from the Divisional Forest Officer, Gulbarga, addressed to the Divisional Commissioner, Gulbarga.

.....

Sub:- Note on Sandalwood.

Ref:- Your L.No.5032/594/Co-or/D3 D/15-7-1957.

.....

Sir,

With reference to above subject, I have to state that Sandal is not a Royal tree. Sandal trees are found in a small quantity only in some scattered parts of Chincholi & Yadgir Ranges, which are in pole size. Being pole & in a very little quantity they are not useful, hence they are not auctioned in open auction. Contractors of Timber coupes are strictly prohibited to fell these trees. Sandal is also found in patta lands. The forest department dees not have power to control its exploitation execpt that it issue transit permits only.

Yours faithfully,

Sd/-
Divisional Forest Officer,

Copy forwarded for information to:-

1) The Conservator of Forests, Bellary Circle, Bellary, with reference to his letter No.M.205/567/57-58 & dated 29-7-1957.
2) The Chief Conservator of Forests, Govt. of Mysore Bangalore with reference to his letter No.A2.GC.1258, 57-58 dated 24-7-57.
3) The Secretary to Govt. Agriculture and Forest Dept. Banglaore with reference to his letter No.AFD.25 - GDL.57 dated 5-7-1957.

Sd/-
Divisional Forest Officer,

/ True Copy /

102/35

L.Dis.

A.10-PR.9-C.355/57-58.
Encls: Ten

OFFICE OF THE DIVISIONAL COMMISSIONER, MYSORE DIVISION,

Dated Mysore the 5th Novr. 1957.

MYSORE GOVERNMENT SECRETARIAT
No. 11433
6 - NOV 1957
ANIMAL HUSBANDARY & FOREST BRANCH

The Secretary to the Government of Mysore,
Agriculture and Forest Departments,
Bangalore.

Sir,

Subject: Note on Sandalwood - Rights, extraction, transport etc.,

Reference: Your letters No.AFD 25 SDL 57 dated 5-7-57 addressed to the Chief Conservator of Forests and copied to this office and reminders dated 28-8-57 and 1-11-57.

In continuation of this office letter of even number dated 27-8-57, I enclose herewith a copy of letters No.REF.A7-18488-57 dated 21-8-57 & 17.9.57 of the Collector, South Kanara, Mangalore, regarding rules relating to sandalwood rights, extraction, transport etc.

Yours faithfully,

(D.M.R. Manay)
For DIVISIONAL COMMISSIONER,
Mysore Division.

RLN.

103

VERY URGENT.
REF. A7-16838/57

South Kanara Collector's Office,
Mangalore, dt. 17-9-1957.

From
Sri S U.P. Nayak, B.A., B.L.,
Personal Assistant to the Collector
In charge ~~of~~ (Collector) ~~of~~ south
Kanara, MANGALORE.

To
The Divisional Commissioner, Mysore Division,
MYSORE.

P
23/9/57

THE DIVISIONAL COMMISSIONER
5226
26/9
MYSORE DIVN., MYSORE

Sir,

SUB: Note on sandalwood rights, extraction-transport, etc.

-:o:-

REF: Your letter No. A10- PR 9/56-57 dt. 18-7-1957.

-:o:-

In this district the right over sandalwood trees in Government lands vests absolutely with the Government. Extraction of sandalwood ~~by the~~ in Government lands is done departmentally by the Forest Department in accordance with the rules contained in the ~~printed~~ printed pamphlet "Rules regarding selection, felling, cleaning, classification and disposal of sandalwood and the method of maintaining Depot Accounts and other Registers" A copy of these rules may be obtained from the District Forest Officer as it is not available in my office.

In patta lands, the right to extract sandalwood belongs to the landholders in the case of lands assigned prior to 1932. Till 1932, the assignees were required to pay full seigniorage fees in respect of trees in non-kumki lands and 2/ 3 rate of seigniorage fees in respect of kumki lands. In the case of lands assigned (Kumki or non-kumki) after 1932, the right over sandalwood growth is ~~resumed~~ reserved to Government.

3. The transport of sandalwood is governed by Sandalwood Transit Rules at p.p.199 - 222 of the Madras Forest Manual.

4. Copies of the following orders bearing on the subject are enclosed.

1. G.O.No.1290. Rev. dated: 1 6-6-1928 (B.P.73, Press, dt. 24-7-1928)

2. Para 14 under B.S.O.No.15-40 (B.B.Mis.1388 dated: 26-4-1928 and B.P.Press.N.21 dated: 18-7-1945)

P.T.O.

3. Extract of B.S.O.15-14 (As amended in G.O.Ms.No.1290, Rev. dated: 16-6-1928 and G.O 2292, Rev.dt.11-11-1932)

4. This office R.Dis. 3613/35 dated: 15-10-1936.

Yours faithfully,

For Collector.

~~Enclosure:~~
~~xxxxxxxxxxxxxxxx~~

Copy to the District Forest Officer, south Kanara with enclosures with reference to his R.C. 9742/57 C dt.1-8-1957 and R.C. 9637/57 C2 dt. 2-8-1957, B.P.14 dt 8-1-1907 relates to a different subject. The printed pamphlet sent by him is returned.

Copy to A7 with enclosures.

105/141

Copy of R.Dis. 3613/35 dated: 15-10-1936 - Proceedings of the Collector of South Kanara, Mangalore.

-:o:-

TREES - Sandalwood - lands assigned - Special register- maintenance- orders passed.

-:o:-

READ:

1. Letter No. Ref.C1- 750/35 dated: 7-8-1935 from the District Forest officer, South ~~Kanara~~ Mangalore.
2. Para 3 of B.P.73 Press, dated: 24--7--1928.
3. G.O.Ms.No. 2292, Rev.Department dated: 11-11-1932 communicated with this office D.Dis.10765/32 dated: 28-11-1932.
4. This office D.Dis. 1580/33 dated: 30-3-1933.
5. Board's reference No. B. 618/35/2 dated: 28--2--1935 communicated in this office Ref.1137/35 A5 dated: 13-3-1935.
6. B.P.Mis. 2257, dated: 17-6-1935 communicated in this office F.28-35 dated: 25--6--1935.
7. South Kan. District Forest Officer's letter L.Dis. 2236/35 dated: 23-9-1935.
8. North Mangalore District Forest Officer's letter D.Dis. 1954/35 dated: 28--9--1935.

-:o:-

The maintenance of a Taluk register for sandalwood trees on lands assigned was not contemplated in B.P.Mis.No.2257, dated: 17--6--1935 and no such register is maintained by the Tahsildars.

2. The Tahsildars and Deputy Tahsildars are requested to send in future to the District Forest Officers, as soon as orders of assignment are passed, the lists of sandalwood trees reserved in all cases irrespective of the fact that the lands assigned are kumaki or nonkumaki. They are also requested to see that when land is assigned, the shanbhogue brings to account all the sandalwood trees in it, in a registere to be opened by him in the form enclosed. The register should show particulars of every assignment made from the data of this order - even if there are no sandalwood trees on the land at the time of assignment. The Inspecting Officers should, in the course of their azmaish, record in the register their remarks as to the girth, height, branches, etc., of the sandalwood trees and satisfy themselves that the conditions of the grant are duly observed. For the purpose of enforcing the conditions of assignment a sandalwood tree may be defined as one 6 feet and over in height. The register should be checked at the time of the jamabandi.

-True Copy-

141

For Collector.

Register showing sandalwood trees existing in lands assigned under darkhast rules in the village of

Name of assignee.	S.No.and subdivision No.	Extent.	Dry garden or wet.	No.and date of the order of assignment.	Sandalwood trees existing at the time of assignment.			Sandalwood trees that grow subsequently.			Remarks.
					List of trees in detail.	Girth.	Height.	No.of trees.	Girth.	Height.	
1	2	3	4	5	6	7	8	9	10	11	12

-True Copy-

15/10

For Collector

Nov 9/7

14. Payment for standing trees, wells and Buildings:-
xx xx xx

The ownership of all sandalwood trees existing at the time of assignment as well as those that may grow subsequently in the special tracts noted below should be reserved to Government before the lands are assigned on darkhast.

G.O.Ms.2618. Rev. d/4-11-35. B.P.Press, 147,d/9-11-35.

G.O.Ms.259, Rev. d/29-1-53. B.P.34, Press, 11-2-53.

" Anantapur, Bellary, Kurnal, Chittoor, North Arcot, South Arcot, Trichinopoly, Madura, Ramnad, Tinnevelly, Salem, Coimbatore, The Nilgiris South Kanara and Malabar (Wynnad Taluk only).
xx xx xx

Paragraph 14:- When kumaki land is assigned on darkhast to Kumakidar the value of the trees (except sandalwood) which stand on the land will be foregone. In respect of sandalwood allmarketable sandal shall be extracted by Government before assignment and no compensation for it need be paid to persons having kumaki privileges. The right to Government shall be reserved to all other sandal trees which are left standing at the time of assignment as well as those which may grow subsequently on the land assigned.

xx xx xx

/ true copy /

For. Collector.

30 9/7

Board of Revenue, Madras.
(Land Revenue and Settlement).

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Proceedings No. 73, Press, 24th July 1928.

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ASSIGNMENT : Land - Special tracts - Sandalwood trees - Reservation Board's Standing Order No. 15, paragraph 14 - Amendments approved - Government Order communicated.

-:-

The Hon'ble Mr. H.A.B.Vernon, I.C.S.,
Commissioner of Land Revenue.

H. L. Braidwood Esq., I.C.S.,
Commissioner of Land Revenue and Settlement.

Read the following papers:-

I.

Letter from H.A. Katham, Esq., I.F.S., Acting Chief Conservator of Forests, Ref: No. 4818/26, dated: 23rd July, 1926.

II.

Letter from R.D.Richmond Esq., I.F.S., Acting Chief Conservator of Forests, Ref: No. 4818/26-8, dt: the 31st July 1927.

III.

Letter from A.R.Cox, Esq., I.C.S., Collector of Coimbatore, No. D.Dis. 9564/27, dated: the 28th September 1927.

IV.

Letter from F.L.Brigstocke, Esq., I.C.S., Collector of Salem, No.D.Dis. 9684/27, dated: the 14th November 1927.

V.

Letter from H.L.Braidwood Esq., I.C.S., Collector of Chittoor, No.D.Dis. 7191/27, dt: 21st November 1927.

VI.

Reference from the Board of Revenue (Land Revenue and Settlement) No.B.3834/26,8 dated: 19th March 1926.

The Chief Conservator of Forests reported that in Chittoor, Coimbatore and Salem Districts, sandalwood, trees are found scattered in most of the unreserves noted in the margin* and 'that in the absence of orders to the 'contrar when lands are assigned in 'darkhast these trees have also to be 'given away to the darkhastdar along 'with the other trees after receiving 'the tree value. He pointed out that 'if the practice of assigining lands 'on patta with the sandal trees on them 'continued, there would be in the long 'run the possibility of clandestine 'removals of such trees from the Government forests in the neighbourhood under cover of their removal from patta lands and that it might not be possible to watch and detect such removals. with a view to safeguarding the Government sandalwood and to reserving all sandalwood trees found on lands now at the disposal of Government, he suggested that the orders contained in G.O.Press No. 1459, Revenue dated: 19th Sept. 1924, reserving the ownership of sandal trees to Government in certain tracts and embodied in Board's standing Order No.15,

*Chittoor - Unreserves in all the Taluks of the District, salem - Unreserves in the whole of Krishnagiri Taluk. Coimbatore-Unreserves in the whole of Kollegal Forest division and unreserves in Satyamangalam, Bhavani and Mettupalaiyam ranges.

P.T.O..

148

ownership of sandal trees to Government in certain tracts and embodied in Board's standing order no 15

paragraph 14 (revised) might be extended also to the tracts mentioned above. He also suggested (1) that agreements should be taken from the assignees in the form prepared by him, (2) [illegible] pattas when issued should be endorsed and (3) that the trees be inspected periodically.

2/ The Board consulted the Collectors concerned. They agree generally to the Chief Conservator's proposals and they have also added one or two suggestions of their own. The Collectors of Chittoor and Salem, point out that it will be difficult for the forest officers to inspect the trees which may lie in tracts far removed from their headquarters and they suggest that the inspection may be done by the Revenue Department. The Collector of Chittoor suggests that the trees may be brought to account by the karnam in a register similar to the Village 2-C Account and that the inspecting officer's remarks, to girth, height, branches, etc., may be recorded in it.

3/ The Board sees no objection to reserving to Government the ownership of the sandalwood trees in the special tracts proposed by the Chief Conservator of Forests. It however considers that it is not necessary to take a separate agreement from the assignees. It will be simpler if the conditions proposed by the Chief Conservator are included in the order of assignment and if this is done, it is also unnecessary to note the fact of reservation in the pattas when issued. The conditions can be lagally enforced under the Grown Grants Act XV of 1895. The Chief Conservator of Forests who was consulted agrees to this course.

The Board accordingly submits the following amendements to the Board's Standing Orders for the approval of Government:-

(1) Board's Standing Order, Volume - I--Standing Order No.15, paragraph 14, as revised by correction slip No.201 - To the list of special tracts add.

"(k) unreserves in the whole of the Krishnagiri Taluk of Salem District.

(l) unreserves in all the taluks of Chittoor District.

110

APPENDIX VI-A.

(Standing Order 16, paragraph 14).

Special conditions to be added to the "D" form notice for the reservation of sandalwood trees.

(1) That Government reserve to themselves the ownership of all the sandalwood trees, branches and roots existing at the time of assignment as well as those that they may grow subsequently in the lands hereby assigned and described in the schedule hereto and that they reserve to themselves the right to cut or dig out and remove the same at their own cost and expense.

-true copy-

[illegible] sufficient maturity or when the Government think proper.

P.T.O.

(4) That the assignee shall undertake not to temper with the marks made by the Government or their officers on the sandalwood trees himself or suffer his agents or anyone also to to so tamper with them.

(5) That in the event of the infringement of or failure to act up to, any of the conditions mentioned above the assignee shall pay the Government all loss, costs and damages that they may sustain by reason of such infringment or failure on the assignee's part.

4/ The Chief Conservator of Forests points out that the Forest Department is primarily concerned with the exploitation of the trees in due course and he therefore suggests that the periodical inspection should be made by the Forest officers. The Board has no objection to this suggestion and also to that made by the Collector of Chittoor regarding maintenance by the karnam of a special register similar to the Village 2-C account wher in the Inspecting Officers can record their remarks about the condition of the trees, and recommends that Government may approve the proposals.

5/ The Board also recommends that the proposals in paragraph 4 may be applied to assignments made in future in the special tracts in the North Arcot, Salem, and Trichinopoly districts referred to in the existing paragraph 14 of Board's Standing Order No.15.

B. G. Holdsworth,
Secretary.

To the Secretary to Government, Revenue Department.

VII.

Reference from the Board of Revenue (Land Revenue and Settlement) No. B.3834/36-9, dated: 26th May 1928.

--

At the instance of the Chief Conservator of Forests, the Board requests that the list of the special tracts in in the Coimbatore district to which the provisions of G.O. No. 1459, Revenue, dated: 19th September 1924, should be extended may be amended as follows:-

For "unreserves in the whole of the Kollegal Forest division and in Satyamangalam, Bhavani and Mettupalayam ranges of Coimbatore district " read "unreserves in the whole of the Kollegal and North Coimbatore Forest divisions in Coimbatore District".

sd/ B. G. Holdsworth,
Secretary.

To the Secretary to Government, Revenue Department.

-/true copy/-

1/11/18

for Collector

No 9/7

VIII

G.O.Mis.No.1290, Revenue Dated 16th June 1928.

Read the following paper:--

PROCEEDINGS OF THE BOARD OF REVENUE (LAND REVENUE AND SETTLEMENT)
No--5354/26-8, dated 19th March 1928.

The draft amendments to paragraph 14 of Board's Standing order No. 15 and the draft Appendix VI-A to Board's Standing Order Volume II, 15 (14) which have been submitted by the Board of Revenue, with its reference read above, are approved as amended by the Government and are appended to this order.

2. The proposal that the sandalwood trees the rights to which have been reserved to the Government should be inspected periodically by the Officers of the Forest Department does not commend itself to the Government.

(By order of the Governor in Council)

sd/- J. F. Hall.
Secretary to Government.

Appendices. (i) Board's standing order No. 15

Paragraph 14 -- The ownership of all sandalwood trees existing at the time of assignment as well as those that may grow subsequently in the special tracts noted below should be reserved to Government before the lands are assigned on darkhast:---

(a) to (j)
(k) unreserves in the whole of the Krishnagiri taluk of Salem district.
(l) unreserves in all the taluks of Chittoor district,
(m) unreserves in the whole of the Kollegal and North Coimbatore Forest Divisions in Coimbatore district.

The conditions detailed in Appendix VI A should in the above cases be added to the D Form notice.

(ii)
Appendix VI A

Paragraph 14 of the Board's standing order 15.

1. That the Government reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of assignment (which are described in the schedule attached) as well as those which may grow subsequently on the lands assigned and the Government shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land in question and dispose of them at their pleasure. The assignee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the district.

2. That the assignee shall take all reasonable measures to the satisfaction of the Collector of the district for the protection of the sandalwood trees from theft or damage and for thecareful protection of the immature trees growing on the land.

3. That the asignee shall take steps to see thatthe marks made by the officers of the Government on the sandalwood trees are preserved and arenot tampered with.

4. That in the event of the infringement of or failure to observe any of the conditions mentioned above, the assignee shall pay to the Government such compensation as it is determined by the Collector of the district for any loss or damage caused by such infringement or failure on his part. The Government shall also be at liberty to cancel the grant and re-enter on the land and the whole land shall thereupon vest absolutely in the Government. In that case the assignee shall not be entitled to any compensation whatever.

****

113 /53

Resolution No. 72-- Press, dated 24th July 1928.

Communicated to the Collectors of Chittoor, Coimbatore, Salem, North Arcot and Trichinipoly.

These orders apply also to future assignments made in the special tracts, items (a) to(j) in Board's Standing order No. 15, paragraph 14.

3. The Collectors are requested to see that when the land is assigned the karnam brings to account the sandalwood trees in it in a register similar to the village 2 C account. The ispecting officers should record in the register their remarks as to the girth, height, branches, etc. of the trees and satisfy themselves that the condition of the grant are duly observed.

/True Extract/

113/15

For Collector.

N 20 9/27

Ref. A7.18488-57.

S. Kanara Collector's office,
Mangalore dated 21.8.57.

From

Sri M. Narasimha, I.A.S.
Collector of South Kanara.

To

The Secretary to Government,
Forest and Agriculture Department,
Government of Mysore, Vidhana Soudha,
Bangalore.
through
The Divisional Commissioner
Mysore
(in duplicate)

Sir,

TREES- South Kanara District- Sandalwood trees in private lands- extraction- payment of part cost to the landowners- proposals submitted.

In this District the ownership of sandalwood trees in all lands assigned after 1929 vests with the Government. The assignees have the responsibility of safe guarding the sandalwood growth in their respective lands. The extraction of sandalwood is done by the Forest Department. No part of the cost of the sandalwood is paid to the landowner.

2. The Conservator of Forests, Coorg Circle, Mercara has suggested that with a view to encourage private persons to grow sandalwood on their land, a bonus based on the girth of heartwood existing in each tree may be paid to them by the state. This proposal was discussed at a conference of officials of the Forest and Revenue Department convened by me on 10.7.57, for the purpose of devising measures for the better management of forests and the enforcement of forest laws. It was agreed that as a measure of encouragement to the private landowner to protect the sandalwood growth in his land and also to grow more sandalwood therein, 25% of the value realised extraction of sandalwood may be paid to the owner of the land and that a condition, should be inserted in the darkhast order to this effect. As sandal wood is a very valuable commodity earning considerable revenue to the State, the payment of part cost to the landowner will be a desirable incentive to the landowner to protect and augment the sandalwood growth in his lands. Illicit fellings of sandalwood are also likely to decrease consequently. I therefore recommend that the Government may be pleased to approve the proposal that when sandalwood trees are extracted from private lands, 25% of the value realised be paid to the owner of the land. I further recommend that a clause to this effect may be permitted to be

inserted in every case of assignment of land to be made hereafter in this district, in order to give the benefit of the scheme to future assignees also.

Yours faithfully,

For Collector.

8/1-8

Mysore : All Sandalwood trees belong to Govt under Sec 72 of Mysore Forest Act. The Sringeri Mutt, Palace and Biligiri Temple forests and some Inam holders enjoy the rights of Sandal.

In Bellary Dn., Sandalwood in patta lands belong to pattadars and Sandalwood on Govt lands belong to Govt. Sandalwood belonging to the Raja of Sondur on his land is allowed to be exploited by him. But in respect of Sandal wood on the lands of Pattadars in Sandur taluk, there is a dispute. The matter is under consideration of Govt.

Coorg :- It is a royal tree. In the case of unredeemed private ~~fo~~ lands, the owner is entitled to 50% of the net value of Sandal. For trees on redeemed lands, the full net value realised at the proceeding auction sale less 25% of royalty is paid to the owner. In ~~Un~~redeemed lands, the owner is not entitled to any bonus if the tree is removed at his request.

Madras State (Kollegal and South Kanara Division) :-

a) Patta lands assigned prior

to 1907. The Govt have no clear general title to the Sandal trees on such land.

b) Patta Lands alienated between 1907 and 1928. Agreements are said to exist between the Govt and the owners to sell the sandal to Govt at Re 1/- per quarter (29 lbs) of rough cleaned wood. Trees existing at the time of assignment of the land belong to Govt and those which grew after the land was assigned belong to the owner.

c) Patta Lands assigned after 16-6-28. The Sandalwood on such lands belong to the State exclusively.

Belgaum :- The Sandalwood standing on Malk lands belong to Govt unless the right over them is conceded to the owner at the time of settlement or at the time of grant of lands. Permission is granted to the extraction of Sandalwood trees standing in malki lands after it is established that Govt has no right over such trees.

Gulberga Dn :- Sandal is not a royal tree. Sandal trees are found in small quantity. They are not sold in auction.

Summing up it may be said that in Madras, Hyderabad and Bombay areas, ~~that~~ private agency exists for working sandalwood and it is this that has helped the smuggler in sandalwood to carry on his profession under some cover. Existence of this system has also helped to certain extent the illicit traffic in sandalwood within the old Mysore State. Hence it is necessary to undertake legislation to do away ~~to~~ with the private agency in working out the sandalwood.

PM

119
161 5

C. F. No. 45]

GOVERNMENT OF MYSORE

Telegram
Telephone

No. B5/1-1292/56.
Encls.

MYSORE GOVERNMENT SECRETARIAT
NO 806
2 JAN 1958
ANIMAL HUSBANDRY & FISHERIES

OFFICE OF

~~Chief Conservator of Forests~~
~~& Mysore, Bangalore.~~

Date 16 January 1958.

To

The Secretary to Government of Mysore,
Agriculture and Forest Departments,
BANGALORE.

Sir,

Sub: Taking over of Sandal Trees in Private Lands.

Ref: Your No.AFD-101-SDL/57 dated the 10th January 1958.

I invite your kind attention to this office letter No.B5/1-1292/56 dated the 26th July 1957 on this subject, wherein proposals have been sent up with reference to the above. These proposals, among others, indicate:- p 13c7 in the linked file.

(a) Enhanced bonus for trees growing on private lands based on girth;

(b) Alternative legislation enforcing occupants of land to offer trees to the Forest Department, which would be the only agency ~~for~~ their working, the occupants of lands receiving back the sale proceeds of the resultant material, less the working cost and a certain percentage as supervision and over-head charges.

In this connection, I invite your kind attention to pages 4 and 5 of the above report indicating the procedure in ex-Coorg State, where the State also held monopoly for the extraction and sale of sandalwood.

The main reason why private owners of sandal trees who hold exclusive rights over the sandalwood have preferred to sell them to private sandalwood merchants is based on the fact that the private merchants pay to the owner of the land on which sandalwood grows ~~gives~~ a much higher return per tree than would be given by the Government.

It would be difficult for the Government to pay the heavy compensation that would be involved in extinguishing the rights of private owners to sandal trees on their lands. The law in this connection would have to be altered, requiring its processing through the Legislature and there is no knowing what the nature of the opposition would be like, because sandal is a very valuable produce which the private owner would not easily like to part with, unless adequate and heavy compensation is paid to him.

p.t.o.

I, therefore, submit for the consideration of the Government the following:-

(i) the department should offer to take overall sandal trees on private lands, uproot them, dress and sell them or dispose them of otherwise by Government Agency;

(ii) a very attractive percentage of the sale proceeds or the value fixed by the Government on the basis of the sale data should be paid to the owner of the sandalwood. I would suggest that 75% of the net value of the sandal trees be paid to the private owners as in old Coorg State, where it is laid down that, "the net amount realised by the sale of trees, less royalty not exceeding 25% of the value of the trees", should be paid to the owner.

I request the favour of consideration and very urgent orders in this connection. These orders would apply to:-

(i) the erstwhile Madras Areas of the Kollegal and South Kanara Divisions;

(ii) the whole of the Belgaum Circle;

(iii) the Bellary Forest Division which was integrated with the old Mysore State from 1st October 1958 onwards;

(iv) Gulbarga Division.

If this is acceptable to the Government, legislation enjoining all private owners to submit to the extraction and sale of their sandal trees growing on private lands may be kindly put through.

Yours faithfully,

(K.KADAMBI) 15

Chief Conservator of Forests

NS.16

121/637

C. F. No. 45]

Telegram / phone

GOVERNMENT OF MYSORE

No. B5. 1-1292/56.
Encls.

MYSORE GOVERNMENT SECRETARIAT NO. 1118 22 JAN 1958 ANIMAL HUSBANDRY & FORESTS

OFFICE OF
Chief Conservator of Forests in Mysore,
Bangalore.

Date 28 January, 1958.

To

The Secretary to Government,
Agriculture & Forest Departments,
Bangalore.

Sub:- Taking over of sandalwood in private lands or under private ownership.

Ref:- My letter of even number dated 16-1-1958.

In continuation of my above letter, I write to state that an immediate uniform course of action in this behalf as applicable to the entire State of Mysore has to be taken.

2. On the anology of Coorg (vide my report of even number dated 26th July 1957), I propose that sandalwood existing in private lands (in which the right to sandalwood is conceded to the owner) must be taken over and the owner paid in lieu thereof, a compensation not less than 60 or even up to 75 percent of the net value of the sandalwood (after deducting the actual cost incurred towards collection, preparation and transport). This value will be based on the actuals of the sales realised in the various regions as below:-

i) Belgaum Circle, and Gulburga Division and Bellary District of Old Mysore State:-

Value of the wood sold at Central Sandalwood Depot, Dharwar.

ii) South Kanara region:-

Value of the wood sold at Bunder Depot; Mangalore.

iii) Kollegal region:-

Value of wood sold at Satyamangalam or Kollegal.

iv) Coorg region:-

as at present - The present system may continue as it is working satisfactorily.

I request early consideration of the above proposal and issue of necessary orders to enable the Department taking over all private wood which has now been already extracted and for which the private parties are urging for transport permits. This quantity has been roughly estimated at 50 tons.

Yours faithfully,

(K. KADAMBI),
Chief Conservator of Forests.

122

165

B5. 1-1292/56.

OFFICE OF THE CHIEF CONSERVATOR OF FORESTS
IN MYSORE, BANGALORE.

Dated 28 January, 1958.

The Secretary to Government,
Agriculture & Forest Departments,
Bangalore.

p.223.

Secy A&F.
Suitable steps may be taken in this connection.
If necessary steps may be taken to issue an ordinance
28/1

Sub:- Taking over of sandalwood in private lands or under private ownership.

Ref:- My letter of even number dated ~~22~~ 16-1-1958.

In continuation of my above letter, I write to state that an immediate uniform course of action in this behalf as applicable to the entire State of Mysore has to be taken.

2. On the anology of Coorg (vide my report of even number dated 26th July 1957), I propose that sandalwood existing in private lands (in which the right to sandalwood is conceded to the owner) must be taken over and the owner paid in lieu thereof, a compensation not less than 60 or even up to 75 percent of the net value of the sandalwood (after deducting the actual cost incurred towards collection, preparation and transport). This value will be based on the actuals of the sales realised in the various regions as below:-

i) Belgaum Circle, and Gulburga Division and Bellary District of Old Mysore State:- ~~Xxxxxxxxxxxxxxxx~~

Value of the wood sold at Central Sandalwood Depot Dharwar.

ii) South Kanara region:-

Value of the wood sold at Bunder Depot; Mangalore.

iii) Kollegal region:-

Value of wood sold at Satyamangalam or Kollegal.

iv) Coorg region:-

as at present - The present system may continue as it is working satisfactorily.

I request early consideration of the above proposal and issue of necessary orders to enable the Department taking over all private wood which has now been already extracted and for which the private parties are urging for transport permits. This quantity has been roughly estimated at 50 tons.

Yours faithfully,

Sd/-

(K. KADAMBI),
Chief Conservator of Forests.

DEPUTY SECRETARY TO GOVT. NO 1 FEB 1958 AGRICULTURE & FOREST DEPTT.

P.T.

Copy of the ~~xxxxx~~ foregoing is forwarded to the Personal Assistant to the Minister for Agriculture for favour of information. This is as per instructions issued by the Minister. to-day.

Chief Conservator of Forests.

Submitted for perusal
J 20/1

M. G. S. App. F. VI—G. 2]

SUBJECT: Taking over of Sandalwood in private lands or vends private ownership

Diary No. of letter replied to.....

Mysore Government Secretariat

( )

the 195 .

Date of issue: 1958 195

Signed by:

Flag 'A'

May this be—
(i) printed?
(ii) treated as a Standing Order?
(iii) published in the Gazette, English Part?
(iv) translated?
(v) placed at the disposal of the Press?
(vi) published in the Gazette, Kannada Part?

Section
Serial No. } AFD 25 SDL
File No. } 3/59

~~Proceedings of the Government of Mysore~~

~~Read~~

To the CCF

Sir,

With reference to the correspondence ending with your letter No B5-1-1292/56 dt 28-1-58 on the subject noted above, I am directed to state that your proposal to acquire rights over in private lands or under private ownership Sandalwood will be examined after the passing of the Mysore Forest Bill, 1958 becomes an Act law as provisions have been made therein

Mysore ~~forest Bill~~, 1958 for the protection of the rights of Govt in Sandalwood.

AJ

List of Enclosures.

Copied by

Examined by

WD 0259—GPB—P.Z.S.—1,00,000—23-2-56

PROCEEDINGS OF THE GOVERNMENT OF MYSORE.

Read:-

Letter No. A2-1540/57 dated 11-1-58 from the Chief Conservator of Forests, requesting for orders of Government sanctioning for the appointment of the staff for the working plans for private and temple forests of the Ruler of Sandur.

Order No. AFD 76 SDL 57,
Bangalore, Dated, 1st May 1958.

Sanction is accorded to the employment of the following staff in connection with the drafting of the Working Plans for Private and Temple Forests of the Ruler of Sandur at Sandur for a period of six months in the first instance from the date of appointment;

Designation.	No. of posts.
1. Senior Ranger.	1
2. Foresters.	2
3. Forest Guards.	4
4. Peon.	1
5. Clerk.	1

The incumbents of the posts should be allowed to draw the D.A. and T.A. admissible to them according to the orders of Government issued from time to time. They should also be allowed to draw special pay limited to 20% of pay.

2. The Chief Conservator of Forests is also requested to obtain the deposit of Rs. 12,500/- from the Ruler of Sandur towards the estimated cost on account of the staff and the requisite working plans equipments.

By Order and in the name of the
Governor of Mysore,

Sd/- P. Venkataraman,
Deputy Secretary to Government,
Agriculture & Forest Department.

To

The Chief Conservator of Forests in Mysore, Bangalore.
The Accountant General, Mysore, Bangalore (thro' Fin. Dept).

MYSORE GOVERNMENT SECRETARIAT
NO. 12150
FOREST BRANCH

' COPY '

2) Contacting C.C.F. in the phone & proceed to send a self-post indicating the latest position

DV/4.11.

4 days

1) Fs C.S. wants to see the papers underlying these two orders, the requisite papers stating the latest position may kindly be sent to this Dept. immediately

5/11/58

4 days

5/11

3) The main file No AFD 76 SDL 57 re exploitation of forest produce in Sandur has been referred up to LD on 24/10/58. The LD may therefore be requested to return that file for reference and return (vide para 1 up)

AM 5/11

4715/58 Law III

5/11

4/s Law)

R. No 20352/Law

4) The file referred to in the above para has been referred to the Ad General on 31-10-58 under Diary No. 4475/58 and the same has not been received as yet. This may now be returned to the Ad. Genl. with the above information.

Sec. III 5-XI-58

5/11

4475/58

6-11-58

DS(AF)

U.S. III Law 7/11/58

Ad General 31/10

MYSORE GOVT. SECRETARIAT No ..... 6 NOV 1958 SECTION 3

5) G.A.D. (PR) may kindly see para 4 with reference to para 1 supra. The file in question will be made available on its return from the A.G.

7/11

DS

7.XI.58

GAD)(PR)

I understand that the C.E.P. has sent a ~~reply~~ report on the matter referred to overleaf. A.F.D. may please send a copy of the same immediately.

A.F.D.

128 After the screening A7

from DS Sagar A7 Copy of Government letter No. AFD 25 SDL 57, dated 3-11-58, to the Chief Conservator of Forests in Mysore, Bangalore.

.....

Sub:- Taking over of Sandalwood in private lands or under private ownership.

...

With reference to the correspondence ending with your letter No. B5-1-1292/56 dated 23-1-58 on the subject noted above, I am directed to state that your proposal to acquire rights over sandalwood in private lands or under private ownership will be examined after the Mysore Forest Bill, 1958 becomes an Act as provisions have been made therein for the protection of the rights of Government in sandalwood.

DV/4.11.

Copy of letter No. A2(b)161-1739/58, dated 4-11-58 from the Chief Conservator of Forests in Mysore, Bangalore, to the Secretary to Government, Agriculture & Forest Department, Bangalore.

Sub:- Removal of Timber sandalwood and other produce by the Ruler of Sandur - Drawing up the working plans of the private and temple forests.

Ref:- My letter No. A2-161-739/58 dt.13-8-58.

In continuation of my above letter, I write to state that it is reported by the Conservator of Forests, Bellary that the Huzur Secretary to the Ruler of Sandur has in his letter dated 9-7-58 intimated him that the working plans required for the private and temple forests of the Ruler of Sandur have got to be prepared and supplied by the Department free of cost as per letter No. F2-10-52/PB dated 14-5-55 of the Ministry of Home Affairs, Government of India addressed to the Chief Secretary to Government of Mysore and therefore the sum of Rs.12,500/- demanded by the Department cannot be paid.

The staff sanctioned in G.O.No. AFD 76 SDL 57 dated 1-5-58 have not been appointed pending payment of the deposit towards the cost of the staff and the requisite working plan equipment by the Ruler.

The District Forest Officer, Bellary has since submitted a preliminary report drawing up of the working plan of the private and temple forests and the same is under examination.

Kind reference is invited to my No. A2-1540/57 dated 12-11-57 enclosing a copy of Bellary Conservator's letter No. S(M) 38-118/57 dated 8-11-57 and its enclosure where from it is seen thatthe Ruler is agreeable to meet the salary and allowances of the staff and other expenses incidental thereto.

I request the favour of urgent orders whether the Department has to incur the expenditure in connection with the drawing up of the working scheme as intimated by the Ruler of Sandur to enable me to take further action.